



Civic Centre, 10 Watson Terrace
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**I hereby give notice that an Ordinary Meeting of Council will be held
on:**

Date: Tuesday, 20 September 2022
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Ordinary Council Meeting 20 September 2022

A handwritten signature in black ink, appearing to read 'Sarah Philpott', is positioned above the printed name and title.

Sarah Philpott
Chief Executive Officer
16 September 2022

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	Nil	



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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

[Ordinary Council Meeting - 16 August 2022](#)

[Special Council Meeting - 23 August 2022](#)

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 16 August 2022 and the Special Council meeting held on 23 August 2022 be confirmed as an accurate record of the proceedings of the meeting.



5 MAYORAL REPORT

5.1 MAYORAL REPORT - SEPTEMBER 2022 – REPORT NO. AR21/71002

- Wreath Laying, Vietnam Veterans Day
- LG Ring Meeting - How Councils can support historical acceptance within communities
- Queen's Jubilee Tree Planting Ceremony
- With CEO and GM City Growth, Meeting with Hon Clare Scriven MLC
- Elected Member Briefing - Induction Feedback
- Fortnightly LCLGA Mayor's Virtual Meeting
- Citizenship Ceremony
- Mount Gambier Chamber of Commerce AGM & Mix and Mingle
- ac.care Mount Gambier Foster Care Forum
- Introductory Meeting with incoming General Manager, Nigel Boyd and Paul Hartung, General Manager - One Forty One
- Mount Gambier Bowls Club Season Opening
- Queen's Jubilee Tree Planting Ceremony
- Castec Rural Pioneers Serle-Scott Medal Dinner
- Fortnightly LCLGA Mayor's Virtual Meeting
- Flinders University - 20 Years Anniversary Rural Medical Program
- Anglican Church Memorial Service for Queen Elizabeth II
- Elected Member Briefing - Induction Feedback
- Meeting with Dr Roger Thomas - Commissioner for Aboriginal Engagement - Celebrating Aboriginal Leaders and Heroes Initiative
- Meeting with Para Quad Push Thru Group

REPORT RECOMMENDATION

1. That the Mayoral report made on be received.
2. On behalf of the community of the City of Mount Gambier, Council offer condolences to King Charles III, his family and the people of Great Britain and the Commonwealth on the passing of Her Majesty Queen Elizabeth II.

Council honours the memory and service of Her Majesty and gives thanks for an extraordinary life well lived and a lifetime of service to the Crown, and as Queen of Australia and her other Realms and Territories, Head of the Commonwealth.

Council acknowledges the accession of King Charles III, our new sovereign.

Long live the King!



6 REPORTS FROM COUNCILLORS



7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - AUTOMATED EXTERNAL DEFIBRILLATORS

Meeting: Council
CM9 Reference: AF21/496
Member: Max Bruins, Councillor

The following question on notice was received from Councillor Max Bruins.

Question

Does Council have a database which details the locations of all of the Automated external defibrillators located within the Council area?

If not, are there any plans to compile a list and publish online or make data available for a third party app provider to publish?

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding Automated External Defibrillators raised by Councillor Cr Max Bruins be received and noted.

ATTACHMENTS

Nil



7.2 QUESTION WITH NOTICE - WULANDA RECREATION AND CONVENTION CENTRE SOLAR PANELS

Meeting: Council
CM9 Reference: AF21/496
Member: Paul Jenner, Councillor

The following question on notice was received from Councillor Paul Jenner.

Question

Following a question from a member of the public in relation to the Wulanda Recreation and Convention Centre solar panels. Could the General Manager City Infrastructure please outline the design process and the direction the solar panels face to maximise the energy collection?

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding the Wulanda Recreation and Convention Centre Solar Panels raised by Councillor Paul Jenner be received and noted.

ATTACHMENTS

Nil



8 QUESTIONS WITHOUT NOTICE

9 PETITIONS

Nil

10 DEPUTATIONS

Nil



11 NOTICE OF MOTION TO RESCIND OR AMEND

11.1 NOTICE OF MOTION TO AMEND - RELEASE OF THE MOUNT GAMBIER PRIVATE HOSPITAL FEASIBILITY STUDY

Meeting: Council
CM9 Reference: AF21/496
Member: Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 20 September 2022, I intend to move the following motion to amend:

MOTION

1. That Council Report No. AR22/64162 titled 'Notice of Motion to Amend - Release of the Mount Gambier Private Hospital Feasibility Study' as presented on 20 September 2022 be noted.
2. That, having received approval from the administrator of the Mount Gambier Private Hospital, the Confidentiality Order in resolution 2021/276 associated with Report No. AR21/51525 titled 'Community Health Information' that was passed on 21 September 2021 be amended as follows:

Confidentiality Order Resolution 2021/276 be amended from:

In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.1 AR21/51525 Community Health Information and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until a further order is made by Council to be reviewed at least once every 12 months.

Confidentiality Order Resolution 2021/276 be amended to:

In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.1 AR21/51525 Community Health Information and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until a further order is made by Council to be reviewed at least once every 12 months.

A letter and a copy of the confidential full financial feasibility assessment dated May 2021 for the Mount Gambier Private Hospital be sent to:

- (a) the CEO for the Department of Health and Wellbeing - Dr Robyn Lawrence
- (b) the Minister of Health and Wellbeing for SA - Chris Picton MP
- (c) the CEO of Limestone Coast Local Health Network - Ngaire Buchanan
- (d) the Chairperson of the Limestone Coast Local Health Network - Grant King
- (e) the Member for Mount Gambier - Troy Bell MP



RATIONALE

These documents were completed at a time when the Mount Gambier Private Hospital existed and operated.

As it no longer does I believe this information should be handed over to the people that make decisions for Health and Wellbeing in South Australia and the Limestone Coast.

These documents have very useful information in them and I believe it would be a waste to have them sit on a shelf and gather dust as such!

However it is appropriate that Council otherwise maintain the confidentiality of third party information contained within them.

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 12/08/2022 TO 14/09/2022 – REPORT NO. AR21/71022

Meeting: Council
CM9 Reference: AF21/496
Author: Melissa Telford, Councillor Support Officer
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR21/71022 titled 'Elected Member Information/Briefing Sessions from 12/08/2022 to 14/09/2022' as presented on 20 September 2022 be noted.

ATTACHMENTS

1. Information Briefing Session - Elected Members - Record of Proceedings - 30/08/2022 - Blue Lake Holiday Park [↓](#)
2. Information Briefing Sessions\Information Briefing Session - Elected Members - Record of Proceedings - 13/09/2022 Induction Feedback [↓](#)



**INFORMATION / BRIEFING SESSION
BLUE LAKE HOLIDAY PARK
5:30 PM TUESDAY 30 AUGUST 2022**

RECORD OF PROCEEDINGS
5:30 pm, Tuesday 30 August 2022
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

The session described above will not be held at a place open to the public as the matter to be discussed is:

- of a confidential nature within the ambit of section 90(3) of the Local Government Act 1999 being:
 - information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council
 - commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected: to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party

MEMBERS PRESENT:-

Cr Hood
Cr Bruins
Cr Jenner
Cr Morello
Cr Mezinac

STAFF PRESENT:-

Chief Executive Officer
General Manager Corporate and Regulatory Services (virtual)
General Manager City and Community Growth
General Manager City Infrastructure
Manager Governance and Property

MEMBERS APOLOGY:-

Mayor Martin

LEAVE OF ABSENCE:-

DISCUSSION:

Background on QEPT / Blue Lake Holiday Park lease and proposed solution.

Discussion closed at 6:10 pm.



**INFORMATION / BRIEFING SESSION
INDUCTION FEEDBACK
TUESDAY 13 SEPTEMBER 2022**

RECORD OF PROCEEDINGS
5.30 P.M., TUESDAY 13 SEPTEMBER 2022
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

GUESTS:-

Nil

MEMBERS PRESENT:-

Cr Frank Morello
Cr Paul Jenner
Mayor Lynette Martin
Cr Sonya Meziniec (left at 6.30 p.m.)
Cr Ben Hood (left the 6.30 p.m.)
Cr Max Bruins

STAFF PRESENT:-

Chief Executive Officer
General Manager City and Community Growth
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
Manager Governance and Property (virtual)

MEMBERS APOLOGIES:-

Cr Amoroso

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Outline of proposed induction and feedback from existing Councillors to improve or enhance Elected Member induction planning for November 2022.

Discussion closed at 7.00 p.m.



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 16/08/2022 – REPORT NO. AR21/71040

Meeting: Council
CM9 Reference: AF21/496
Author: Melissa Telford, Councillor Support Officer
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR21/71040 titled 'Council Action Items - 16/08/2022' as presented on 20 September 2022 be noted.

ATTACHMENTS

1. Council Action Items - 16 August 2022 [↓](#)



Division:	16/08/2022
Meeting:	16/08/2022
Officer:	
Action Sheets Report	
Printed: 15 September 2022 2:47 PM	

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Cemovskis, Barbara Philpott, Sarah	Questions with Notice	No Stopping Zone on Bay Road for users of the Rail Trail
REPORT RECOMMENDATION			
That the response to the question regarding a No Stopping Zone on Bay Road for users of the Rail Trail raised by Councillor Sonya Mezinec be received and noted.			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Chant, Tahlee Coote, Tim	Elected Members Workshops	Elected Member Information/Briefing Sessions from 19/07/2022 to 11/08/2022
RESOLUTION 2022/110			
Moved: Cr Paul Jenner Seconded: Cr Sonya Mezinec			
1. That Council Report No. AR21/71020 titled 'Elected Member Information/Briefing Sessions from 19/07/2022 to 11/08/2022' as presented on 16 August 2022 be noted.			
CARRIED			
22 Aug 2022 10:28am Chant, Tahlee - Completion Action completed by Chant, Tahlee			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Telford, Melissa Philpott, Sarah	Council Action Items	Council Action Items - 19/07/2022
RESOLUTION 2022/111			
Moved: Cr Max Bruins Seconded: Cr Christian Greco			
1. That Council Report No. AR21/71039 titled 'Council Action Items - 19/07/2022' as presented on 16 August 2022 be noted.			
CARRIED			
22 Aug 2022 10:29am Telford, Melissa - Completion Action completed by Chant, Tahlee			



Division:	Date From: 16/08/2022
Meeting:	Date To: 16/08/2022
Officer:	
Action Sheets Report	Printed: 15 September 2022 2:47 PM

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Pasquazzi, Ashlee Barber, Darren	Audit and Risk Committee Minutes and Recommendation	Minutes of the Audit and Risk Committee held on 25 July 2022
RESOLUTION 2022/112			
Moved: Cr Sonya Meziniec			
Seconded: Cr Max Bruins			
That the Minutes of the Audit and Risk Committee meeting held on 25 July 2022 as attached be noted.			
CARRIED			
29 Aug 2022 10:22am Pasquazzi, Ashlee - Completion			
Action completed by Pasquazzi, Ashlee			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Pasquazzi, Ashlee Barber, Darren	Reports	Correspondence Received
RESOLUTION 2022/113			
Moved: Cr Sonya Meziniec			
Seconded: Cr Paul Jenner			
1. That Audit and Risk Committee Report No. AR22/49236 titled 'Correspondence Received' as presented on 25 July 2022 be noted.			
CARRIED			
29 Aug 2022 10:22am Pasquazzi, Ashlee - Completion			
Action completed by Pasquazzi, Ashlee			



<p>Division: Meeting: Officer:</p> <p>Action Sheets Report</p>	<p>Date From: 16/08/2022 Date To: 16/08/2022</p> <p>Printed: 15 September 2022 2:47 PM</p>
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Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Datta, Ritu Barber, Darren	Reports	Risk Report - July 2022
<p>RESOLUTION 2022/114</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Max Bruins</p> <p>1. That Audit and Risk Committee Report No. AR22/33762 titled 'Risk Report - July 2022' as presented on 25 July 2022 be noted.</p> <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Datta, Ritu Barber, Darren	Reports	Work Health, Safety and Wellbeing - July 2022
<p>RESOLUTION 2022/115</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Paul Jenner</p> <p>1. That Audit and Risk Committee Report No. AR22/33764 titled 'Work Health, Safety and Wellbeing - July 2022' as presented on 25 July 2022 be noted.</p> <p style="text-align: right;">CARRIED</p>			



Division: Meeting: Officer: Action Sheets Report	Date From: 16/08/2022 Date To: 16/08/2022 Printed: 15 September 2022 2:47 PM
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Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Scoggins, Julie Barber, Darren	Reports	Internal Controls Policy
<p>RESOLUTION 2022/116</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Christian Greco</p> <ol style="list-style-type: none"> 1. That Audit and Risk Committee Report No. AR22/46763 titled 'Internal Controls Policy' as presented on 25 July 2022 be noted. 2. That the Internal Controls Policy as attached to Report No. AR22/46763 having been reviewed by the Audit and Risk Committee on 25 July 2022 be adopted with minor editorial changes. <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Scoggins, Julie Barber, Darren	Reports	Asset Accounting Policy Review
<p>RESOLUTION 2022/117</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Christian Greco</p> <ol style="list-style-type: none"> 1. That Audit and Risk Committee Report No. AR22/49260 titled 'Asset Accounting Policy Review' as presented on 25 July 2022 be noted. 2. That the Asset Accounting Policy as attached to Report No. AR22/49260 having been reviewed by the Audit and Risk Committee on 25 July 2022 be adopted. <p style="text-align: right;">CARRIED</p>			



<p>Division: Meeting: Officer:</p>	<p>Date From: 16/08/2022 Date To: 16/08/2022</p>
<p>Action Sheets Report</p>	
<p>Printed: 15 September 2022 2:47 PM</p>	

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Scoggins, Julie Barber, Darren	Reports	External Audit Attendance
<p>RESOLUTION 2022/118</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Christian Greco</p> <p>1. That Audit and Risk Committee Report No. AR22/46762 titled 'External Audit Attendance' as presented on 25 July 2022 be noted.</p> <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Scoggins, Julie Barber, Darren	Reports	External Audit Management Report
<p>RESOLUTION 2022/119</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Paul Jenner</p> <p>1. That Audit and Risk Committee Report No. AR22/46765 titled 'External Audit Management Report' as presented on 25 July 2022 be noted.</p> <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	McPherson, Tegan Barber, Darren	Council Reports	Strategic Plan Midway Review
<p>RESOLUTION 2022/120</p> <p>Moved: Cr Paul Jenner Seconded: Cr Sonya Meziniec</p> <p>1. That Council Report No. AR22/54389 titled 'Strategic Plan Midway Review' as presented on 16 August 2022 be noted.</p> <p style="text-align: right;">CARRIED</p>			



Division:	Date From: 16/08/2022
Meeting:	Date To: 16/08/2022
Officer:	Printed: 15 September 2022 2:47 PM

Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Solly, Elisa Barber, Darren	Council Reports	Community Land Management Plan - Blue Lake/Warwar
RESOLUTION 2022/121			
Moved: Cr Paul Jenner Seconded: Cr Max Bruins			
1. That Council Report No. AR22/52140 titled 'Community Land Management Plan - Blue Lake/Warwar' as presented on 16 August 2022 be noted.			
CARRIED			
23 Aug 2022 10:26am Solly, Elisa - Completion			
Action completed by Solly, Elisa			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Scoggins, Julie Barber, Darren	Council Reports	Carry Forward 2021/22 Capital Work In Progress and Grants/Sponsorships Budgets
RESOLUTION 2022/122			
Moved: Cr Sonya Meziniec Seconded: Cr Max Bruins			
1. That Council Report No. AR22/46766 titled 'Carry Forward 2021/22 Capital Work In Progress and Grants/Sponsorships Budgets' as presented on 16 August 2022 be noted.			
2. That Council approves the proposed total carry forwards of \$97.8k for grants/sponsorships and \$2.4m for capital works as at 30 June 2022 and revised net budget deficit (net borrowing) of \$11.2m.			
3. That Council adopts the revised capital expenditure budget for the year ending 30 June 2023.			
CARRIED			



Division:	Date From: 16/08/2022
Meeting:	Date To: 16/08/2022
Officer:	
Action Sheets Report	Printed: 15 September 2022 2:47 PM

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Coote, Tim Philpott, Sarah	Council Reports	Regional Activators Alliance
RESOLUTION 2022/123			
Moved: Cr Sonya Meziniec			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> 1. That Council Report No. AR22/43591 titled 'Regional Activators Alliance' as presented on 16 August 2022 be noted. 2. That the City of Mount Gambier join the Regional Australia Institute Regional Activators Alliance. 			
CARRIED			
31 Aug 2022 9:08am Coote, Tim - Completion			
Action completed by Chant, Tahlee			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	McCarthy, Michael Barber, Darren	Council Reports	Nominations for LGA President
RESOLUTION 2022/124			
Moved: Cr Max Bruins			
Seconded: Cr Kate Amoroso			
<ol style="list-style-type: none"> 1. That Council Report No. AR22/54348 titled 'Nominations for LGA President' as presented on 16 August 2022 be noted. 2. Council supports the nomination of Mayor Erika Vickery OAM as the LGA President for the 2022-2024 term. 			
Carried			



Division: Meeting: Officer: Action Sheets Report	Date From: 16/08/2022 Date To: 16/08/2022 Printed: 15 September 2022 2:47 PM
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Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Solly, Elisa Barber, Darren	Council Reports	Carpark Proposal - Blue Lake Golf Club
<p>RESOLUTION 2022/125</p> <p>Moved: Cr Max Bruins Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"> That Council Report No. AR22/53879 titled 'Carpark Proposal - Blue Lake Golf Club' as presented on 16 August 2022 be noted. A copy of the report be provided to the Blue Lake Golf Club. <p style="text-align: right;">CARRIED</p> <p>23 Aug 2022 10:26am Solly, Elisa - Completion Action completed by Solly, Elisa</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	McCarthy, Michael Barber, Darren	Council Reports	Local Government Election Signs - Council Determination
<p>RESOLUTION 2022/126</p> <p>Moved: Cr Paul Jenner Seconded: Cr Sonya Meziniec</p> <ol style="list-style-type: none"> That Council Report No. AR22/53892 titled 'Local Government Election Signs - Council Determination' as presented on 16 August 2022 be noted. The Approval to display local government election signs, set out in Attachment 1 to this Report No. as presented on 16 August 2022 is endorsed. Council write to the LGA to request a State review before the next election. <p style="text-align: right;">CARRIED</p>			



Division: Meeting: Officer: Action Sheets Report	Date From: 16/08/2022 Date To: 16/08/2022 Printed: 15 September 2022 2:47 PM
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Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Datta, Ritu Barber, Darren	Council Reports	Policy Review - Revocation of S175 - Safe Environment
<p>RESOLUTION 2022/127</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Paul Jenner</p> <ol style="list-style-type: none"> That Council Report No. AR22/54668 titled 'Policy Review - Revocation of S175 - Safe Environment' as presented on 16 August 2022 be noted. That Council Policy S175 - Safe Environment as attached to Report No. AR21/18417 be revoked. <p style="text-align: right;">CARRIED</p>			

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Barber, Darren Phipott, Sarah	Motions with Notice	Notice of Motion - Reports and Plans
<p>RESOLUTION 2022/128</p> <p>Moved: Cr Paul Jenner Seconded: Cr Sonya Meziniec</p> <ol style="list-style-type: none"> That Council Report No. AR22/41065 titled 'Notice of Motion - Reports and Plans' as presented on 16 August 2022 be noted. That a Council Workshop be organised to review outstanding plans, reports and policies in readiness for the incoming Council. <p style="text-align: right;">CARRIED</p>			



Division:	Date From: 16/08/2022
Meeting:	Date To: 16/08/2022
Officer:	
Action Sheets Report	Printed: 15 September 2022 2:47 PM

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	Coofe, Tim Philpott, Sarah	Motions with Notice	Notice of Motion - Creative Arts Fund 2021/2022
RESOLUTION 2022/129			
Moved: Cr Paul Jenner			
Seconded: Cr Max Bruins			
<ol style="list-style-type: none"> 1. That Council Report No. AR22/54975 titled 'Notice of Motion - Creative Arts Fund 2021/2022' as presented on 16 August 2022 be noted. 2. The Portrait Project be allocated an additional \$500 from the 2021/2022 Creative Arts Fund for additional unexpected costs due to unforeseen environmental damages to the works. 3. That funds not allocated in the Creative Arts Fund 2021/2022 be redirected to the 2022/2023 Creative Arts Fund. 			
			CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 16/08/2022	McCarthy, Michael Barber, Darren	Motions with Notice	Notice of Motion - Wulanda Recreation and Convention Centre
RESOLUTION 2022/130			
Moved: Cr Paul Jenner			
Seconded: Cr Kate Amoroso			
<ol style="list-style-type: none"> 1. That Council Report No. AR22/54982 titled 'Notice of Motion - Wulanda Recreation and Convention Centre' as presented on 16 August 2022 be noted. 2. That the administration provides a report to Council on the confidential items for the Wulanda Recreation and Convention Centre and when the information will be released to the public. 3. That the General Manager City Infrastructure provides a verbal report in open Council on the Wulanda Recreation and Convention Centre construction progress each month. 			
			CARRIED



15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess

17 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

19 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil



20 BUILDING FIRE SAFETY COMMITTEE MINUTES

20.1 MINUTES OF THE BUILDING FIRE SAFETY COMMITTEE HELD ON 12 SEPTEMBER 2022

RECOMMENDATION

That the Minutes of the Building Fire Safety Committee meeting held on 12 September 2022 as previously circulated be noted.



21 COUNCIL REPORTS

21.1 2022 MOUNT GAMBIER CHRISTMAS PARADE TEMPORARY ROAD CLOSURES – REPORT NO. AR22/61414

Committee: Council

Meeting Date: 20 September 2022

Report No.: AR22/61414

CM9 Reference: AF21/496

Author: Xarnia Keding, Community Events Officer

Authoriser: Tim Coote, General Manager City and Community Growth

Summary: This report is to notify Elected Members of the temporary road closures that have been ordered for the 2022 Mount Gambier Christmas Parade.

Strategic Plan Reference:

- Goal 1: Our People**
- Goal 2: Our Location**
- Goal 3: Our Diverse Economy**
- Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage**
- Goal 5: Our Commitment**

REPORT RECOMMENDATION

1. That Council Report No. AR22/61414 titled ‘2022 Mount Gambier Christmas Parade temporary road closures’ as presented on 20 September 2022 be noted.
2. That Council be notified that, pursuant to Section 33 of the Road Traffic Act 1961 and Instrument of Delegation, the Minister of Transport has made the order to close the following roads on Saturday, 19 November 2022:

STREET CLOSURES

COMMERCIAL STREET EAST	<ul style="list-style-type: none"> - Davison Street to Crouch Street closed 8:00am to 12:30pm - N/S (North/South) Anthony Street closed 10:00am to 12:30pm - N/S Crouch Street closed 10:45am to 12:30pm
COMMERCIAL STREET EAST	<ul style="list-style-type: none"> - Crouch Street to Bay Road closed 8:30am – 2:00pm - N/S Crouch Street closed 10:45am – 12:30pm - N/S Krummel Street closed 10:00am – 12:30pm - N/S Compton Street closed 10:00am – 2:00pm - N/S Ferrers Street closed 8:30am – 2:00pm - N/S Bay Road closed 10:55am – 12:30pm
WATSON TERRACE	<ul style="list-style-type: none"> - N/S Watson Terrace closed 6:30am – 5:00pm - E/W Watson Terrace Bay Road closed 8:00am – 12:30pm



COMMERCIAL STREET WEST	<ul style="list-style-type: none"> - Bay Road to Wehl Street closed 8:30am – 2:00pm - N/S Bay Road closed 10:55am – 12:30pm - N/S Gray closed 10:55am – 2:00pm - N/S Elizabeth closed 10:55am – 2:00pm - N/S Wehl closed 10:30am – 2:00pm
COMMERCIAL STREET WEST	<ul style="list-style-type: none"> - Wehl Street to Bertha Street closed 10:00am – 2:00pm
VICTORIA TERRACE	<ul style="list-style-type: none"> - Ellis Street to Jubilee Highway West 10:00am – 2:00pm

3. That Council be notified that, SAPOL has granted exemption for persons taking part in the Parade from the following Australian Road Rules and Conditions:

ROAD RULES & CONDITIONS ON EXEMPTIONS FROM AUSTRALIAN ROAD RULES

*Persons taking part in the Parade are **exempt** from the following Road Rules when on closed roads:*

Rule 221	Using hazard warning lights
Rule 230	Crossing a road – general
Rule 231	Crossing a road at pedestrian lights
Rule 232	Crossing a road at traffic lights
Rule 234	Crossing a road on or near a crossing for pedestrians
Rule 238	Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)
Rule 264 <i>Condition on Exemption:</i>	Wearing of seat belts by drivers <i>provided the speed of the vehicle does NOT exceed 25km/h</i>
Rule 265 <i>Condition on Exemption:</i>	Wearing of seat belts by passengers 16 years old or older <i>provided the speed of the vehicle does NOT exceed 25km/h</i>
Rule 266 <i>Condition on Exemption:</i>	Wearing of seat belts by passengers under 16 years old <i>provided the speed of the vehicle does NOT exceed 25km/h</i>
Rule 268 <i>Condition on Exemption:</i>	How persons must travel in or on a motor vehicle <i>provided the speed of the vehicle does NOT exceed 25km/h</i>
Rule 269 <i>Condition on Exemption:</i>	Opening doors and getting out of a vehicle etc <i>provided the speed of the vehicle does NOT exceed 5km/h</i>
Rule 298 <i>Condition on Exemption:</i>	Driving with a person in a trailer <i>provided the speed of the vehicle does NOT exceed 25km/h</i>



TYPE OF REPORT

Legislative

BACKGROUND

The Minister of Transport has made the order to close all effected roads and SAPOL has granted exemptions to Australian Road Rules on Saturday, 19 November 2022. In previous years Council/SAPOL and The Minister of Transport has approved these orders.

PROPOSAL

N/A

LEGAL IMPLICATIONS

Section 33 of the Road Traffic Act 1961

STRATEGIC PLAN

The Mount Gambier Christmas Parade links to the following goals within the Strategic Plan:

Goal 1 – Our People

Goal 2 – Our Location

Goal 3 – Our Diverse Economy

Goal 4 – Our Climate, Natural Resources, Arts, Culture and Heritage

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

Stimulate economy.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

The parade brings people together, encourages interaction and promotes a sense of community.

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

If any services are to be outsourced team follows procurement process.

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

Accessible parking permits are available for viewing of parade. An Acknowledgment to Country Banner will be displayed at the beginning of the parade procession.

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A



IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

That Council be aware that The Minister of Transport has made the order to close all effected roads and SAPOL has granted exemptions to Australian Road Rules for the 2022 Mount Gambier Christmas Parade on Saturday, 19 November 2022. In previous years Council and The Minister of Transport/SAPOL has approved these orders.

ATTACHMENTS

Nil



21.2 REMOVAL OF LAND MANAGEMENT AGREEMENT - 109 - 113 COMMERCIAL STREET WEST, MOUNT GAMBIER - BARRY MANEY USED VEHICLES – REPORT NO. AR22/60483

Committee:	Council
Meeting Date:	20 September 2022
Report No.:	AR22/60483
CM9 Reference:	AF21/496
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Summary:	To remove a Land Management Agreement between Council and West Gambier Properties Pty Ltd registered on the title at 109-113 Commercial Street East, Mount Gambier - Barry Maney Used Car Sales
Strategic Plan Reference:	Goal 2: Our Location Goal 3: Our Diverse Economy Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR22/60483 titled 'Removal of Land Management Agreement - 109 - 113 Commercial Street West, Mount Gambier - Barry Maney Used Vehicles' as presented on 20 September 2022 be noted.
2. That Council proceed with the removal of the Land management Agreement between the City of Mount Gambier and West Gambier Properties Pty Ltd dated 8 December 2000.
3. That the removal of the Land Management Agreement for the property located at 109-113 Commercial Street East be at the full cost and arrangement of the current property owner of 109-113 Commercial Street East, Mount Gambier including all documentation costs, legal and conveyancing costs, lodgement and registration fees, and including reimbursement/payment of any out of pocket expenses incurred by the Council in dealing with the removal of the Land Management Agreement from the date of this resolution.
4. The Chief Executive Officer and Mayor be authorised to affix the Common Seal to any documentation necessary to give effect to the removal of the Land Management Agreement for the property located at 109-113 Commercial Street East, Mount Gambier in accordance with resolutions (2) and (3) as above.



TYPE OF REPORT

Other

BACKGROUND

Council has sought legal advice confirming this matter is able to be considered by Council during the Council election caretaker period, with the advice confirming this matter is not a designated decision or a significant matter and can be considered by Council.

Council by Notice dated 8th December, 2000 granted Development Approval to demolish an existing office and to erect sails over portion of the used car yard and to change the use of an existing shop to an office and to construct alterations and additions to the office subject to eight conditions of approval (DA 381/0321/2000).

As the subject site was comprised of two allotments, with two separate Certificate of Titles and involved the construction of openings across a Certificate of Title boundary, the applicant was requested to prepare a Land Management Agreement, which ensures that at the time of vacating the building, the owners of the properties take all necessary action to comply with the Development Act 1993, the Building Code of Australia and/or all requirements of Council to reinstate the openings created within the building across the title boundary.

The Land Management Agreement was entered into between the City of Mount Gambier and West Gambier Properties Pty Ltd. A copy of the Land Management Agreements are attached to this report for Members information and perusal. Members attention is drawn to clause 4.2 within the Land Management Agreement which requires the building to be reinstated upon the vacation of the subject land.

PROPOSAL

The owner of the subject land is seeking Council Agreement for the removal of the Land Management Agreement from the Certificate of Titles for the Subject Land.

Within current development legislation the subject site of a development applies to the whole of the land upon which a development is contained, which may be sited upon more than one Certificate of Title. Currently the subject site is approved to be used as a used car yard with an associated office building. Should one parcel of land be sold separate to the other, the land use on the land will remain as the current land use until such a time a development application is lodged to change the use of the land.

At the time a Development Application is lodged, Council will be able to address the issue of the doors and windows currently constructed within the building. On this basis the Land Management Agreement is no longer required as the same outcome can be achieved through the assessment of any future Development Application.

LEGAL IMPLICATIONS

Nil – The future development of the subject land will be in accordance with legislative requirements in force at the time.

STRATEGIC PLAN

Our Location 2.1 Focusing on activation, revitalisation and placemaking in our CBD

Our Economy 3.1 Identify, gateways and support for our businesses

 3.2 Land Use Planning Settings

Our Commitment Responsive, Effective

The removal of the Land Management Agreement will help to facilitate relationships with business and property owners and to assist them in the upgrading the quality of buildings and to capitalise on opportunities as the Central Business District evolves.



COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

Provides for future development opportunities of the subject site.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

May provide for a better shopping experience for the community.

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Government statutory fees and charges for the removal of the Land Management Agreement and preparation fees and charges (legal and conveyancing).

VALUE FOR MONEY

Costs to be reimbursed by the land owner.

RISK IMPLICATIONS

Risks are addressed by legislative requirement associated with development of the subject land.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

On the basis the future development of the subject land involving a different land use will require a Development Application it is considered the Land Management Agreement is no longer required. it is recommended Council proceed with the removal of the Land Management Agreement between the City of Mount Gambier and West Gambier Properties Pty Ltd dated September 2000.

ATTACHMENTS

1. Land Management Agreements - 109 - 113 Commercial Street East [↓](#)



Insert type of document here APPLICATION TO REGISTER LAND MANAGEMENT AGREEMENT

To The Registrar General

CITY OF MOUNT GAMBIER of 10 Watson Terrace Mount Gambier 5290 HEREBY APPLIES pursuant to the provisions of Section 57 (5) of the Development Act 1993 for the registration of the attached Agreement dated the _____ day of _____ 2000 and made between CITY OF MOUNT GAMBIER aforesaid as the Council of the one part and K.O. STAFFORD HOLDINGS PTY LTD A.B.N. 20 007 953 693 of 3 Penola Road Mount Gambier 5290 as regard 2 undivided 3rd parts and B M MANEY PROPERTIES PTY LTD A.C.N. 008 065 736 as regards 1 undivided 3rd part of 3 Penola Road Mount Gambier 5290 as the Owner of the other part as a Land Management Agreement pursuant to Section 57 (2) of the said Act. The said Agreement binds the whole of the land comprised in Certificate of Title Register Book Volume 5535 Folio 623 and operates to control the future development of the said land.

DATED the _____ day of September 2000

The Common Seal of

CITY OF MOUNT GAMBIER
was hereunto affixed
in the presence of


Mayor


Chief Executive Officer



The Owner HEREBY CONSENTS to the registration of the attached Land Management Agreement

The Common Seal of

K.O. STAFFORD HOLDINGS PTY LTD
A.B.N. 20 007 953 693
was hereunto affixed
in the presence of

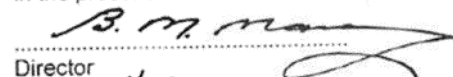

Director


Secretary

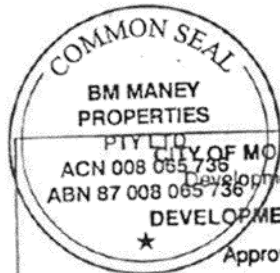


The Common Seal of

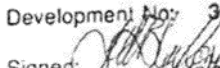
B M MANEY PROPERTIES PTY LTD
A.C.N. 008 065 736
was hereunto affixed
in the presence of


Director


Secretary



CITY OF MOUNT GAMBIER
ACN 008 065 736
ABN 87 008 065 736
Development Act 1993
DEVELOPMENT APPROVAL
★ Approved Plan

Development No: 381/0321 100
Signed: 
Title: Senior Planning Officer
Date: 8 December 2000

NOTE: This form may be used only when no panel form is suitable.

MEMORANDUM OF LAND MANAGEMENT AGREEMENT pursuant to Section 57 (2) of the Development Act 1993 as amended (hereinafter called "the Act") made
The day of 2000 between the **CITY OF MOUNT GAMBIER** situated at 10 Watson Terrace Mount Gambier 5290 (hereinafter called "the Council") of the one part and **K.O. STAFFORD HOLDINGS PTY LTD** A.B.N. 20 007 953 693 of 3 Penola Road Mount Gambier 5290 as regards 2 undivided 3rd parts and **B.M. MANEY PROPERTIES PTY LTD** A.C.N. 008 065 736 as regards 1 undivided 3rd parts of 3 Penola Road Mount Gambier 5290 (together with its assigns referred to as "the Owner") of the other part

WHEREAS

- A. The Owner is the proprietor of an estate in fee simple in the whole of the land comprised and described in Certificate of Title Register Book Volume 5535 Folio 623 (hereinafter referred to as "the Subject Land")
- B. Save and except for the Owner as at the date of entering into this Agreement no other person or persons have any legal or equitable interest in the subject land;
- C. The Council is prepared to grant its consent pursuant to the Act to the development of Allotment 96 in Deposited Plan 206434 in the Hundred of Blanche situated at 109 Commercial Street East Mount Gambier in accordance with the consent granted to the Development Application No. 381/0321/2000 as per plan attached hereto and marked 'A' is carried out in a manner which is in accordance with the terms, conditions, principles and guidelines set out in this Agreement in addition to complying with relevant statutory provisions.

NOW THIS AGREEMENT WITNESSES and in consideration of the foregoing premises and further in consideration of the sum of One Dollar (\$1-00) being paid by the Council to the Owner if demanded, the Owner and the Council agree as follows:-

1. **RECITALS:**

The Owner and the Council acknowledge the correctness of the recitals which shall comprise and form a part of this Agreement.

2. **INTERPRETATIONS:**

- 2.1 Words and phrases used in this Agreement which are defined in the Act shall have the meanings as defined in that Act:-
- 2.2 Words importing the singular number or plural numbers shall include the plural number and singular number respectively.



- 2.3 Words importing the masculine gender only shall include the feminine and neuter genders and vice versa.
- 2.4 A reference herein to any statute shall include all statutes amending, consolidating or replacing the statute referred to.
- 2.5 "The Subject Land" means the whole of the land now comprised and described in Certificate of Title Register Book Volume 5535 Folio 623.
- 2.6 "The Present Owner" means the company or companies or any related company or companies or the person or persons presently and from time to time registered or entitled to be registered as the proprietor in fee simple to the land subject to such encumbrances liens and interests as are registered and notified by memoranda endorsed on the Title.
- 2.7 The term "the Owner" means where the Owner is a company the inclusion of its successors, assigns and transferees and where the Owner is a person, the inclusion of his/her heirs, executors, administrators and transferees and where the Owner consists of more than one person or Company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees the company or companies the person or persons registered or entitled to be registered presently and from time to time as the proprietor of an estate in fee simple subject however to such encumbrances liens and interests as are registered and notified by memoranda endorsed on the Title or Titles thereof and where the context allows, includes the present Owner.
- 2.8 "Council" means City of Mount Gambier and its successors and assigns.
- 2.9 Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively.
- 2.10 Where two or more persons are bound hereunder to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and each of them severally.
- 2.11 Any heading are for reference purposes only and shall not be resorted to in the interpretation of this Deed.

3. **THE PRESENT OWNER'S OBLIGATIONS:**

- 3.1 The present Owner shall lodge this Agreement for registration by the Registrar General at the Lands Titles Office pursuant to the provisions of the Real Property Act 1886 to comply with Development No. 381/0321/2000 as depicted on the said Plan and subject to this Agreement, shall carry out the obligations placed upon it. Should at any time there be no present Owner or the present Owner shall for any reason be unable to carry out its obligations under this Agreement the Council may at its own discretion so far as is necessary carry out the said obligations as if the Council were substituted for the present Owner.



Nothing in this paragraph shall prevent the Council from enforcing this Agreement in the manner provided herein.

4. **LAND USE:**
COMMERCIAL DEVELOPMENT:

4.1 The subject land may be developed for commercial purposes in accordance with Development Application No. 381/0321/00 and as varied by any subsequent Development Applications that are granted development approval by Council.

4.2 The owner hereby undertakes in the event of B.M. Maney Pty. Ltd., B.M. Maney Holdings Pty. Ltd., Hill Nominees Pty. Ltd., M.J. & E.J. Donovan Nominees Pty. Ltd., D.M. & A. Millard Nominees Pty. Ltd. trading as Barry Maney Ford (together with their successors, assigns and transferees) (the Tenant) vacating the building shall take all necessary action to comply with the Development Act 1993, the Building Code of Australia and/or all requirements of Council to reinstate the building and extinguish this Land Management Agreement.

5. **ENFORCEMENT:**

5.1 The Council or any employee or agent of the Council authorized by the Council may at any reasonable time enter into and upon any allotment for the purpose of: (a) inspecting the said land and any building on the said land; (b) exercising any other powers of the Council under this Agreement;

5.2 If the Owner is in breach of this Agreement the Council may by notice in writing served on the Owner require the Owner to remedy the breach within such time as nominated by the Council in the notice (being not less than 28 days from the date of service of the notice) and if the Owner fails to so remedy the breach of Council or its servants or agents may carry out the requirements of the notice and in so doing may perform any necessary works upon the land and recover any costs thereby incurred from the Owner.

5.3 If in a notice referred to in Clause 5.2 herein the Council requires the removal of any structure from the land which may include but shall not be limited to a building or material of any kind the Council and its servants or agents are hereby authorized and empowered by the owner to remove the said things from the land and to dispose of them in any manner determined by the Council **PROVIDED THAT** if these things shall have any monetary value then the Council shall use its best endeavours to realize that monetary value and shall after disposal thereof account to the Owner and pay to it the realised value less all expenses incurred.

5.4 In addition to all other rights it may have, the Council may, insofar as the law allows, enforce this Agreement by the exercise of the powers granted to it



under Part 11 Division I of the Development Act 1993 as if the provisions of this Agreement constituted conditions to a planning authorization.

6. DELEGATION

The Council may delegate any of the Council's functions or powers under this Agreement to any person.

7. NOTICES:

A notice shall for the purposes of this Agreement be properly served on the Owner including the present Owner if it is:

- (a) posted to the Owner or if more than one Owner any one of the Owner's last known address to the Council; or
- (b) affixed in a prominent position on the subject land or on any allotment belonging to the Owner or Owners as the case may be.

8. REGISTRATIONS:

Each party hereto insofar as that may achieve the same shall do all things necessary to ensure that this Agreement is registered and a memorial thereof entered on the Certificate of Title pursuant to the provisions of Section 57 (5) of the Act.

9. COSTS:

9.1 This Agreement will be lodged for registration at the Registrar General at the Lands Titles Office pursuant to the provisions of the Real Property Act 1886, as amended and the cost of registration shall be borne by the present owner.

9.2 The Owner hereby indemnifies the Council and agrees to keep it forever indemnified in respect of the whole of its costs and expenses of and incidental to the negotiation preparation stamping and registration of this Agreement and the implementation including the enforcement of its term.



IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year hereinbefore written.

The Common Seal of

CITY OF MOUNT GAMBIER

Was hereunto affixed
In the presence of

[Signature]
Mayor
[Signature]
Chief Executive Officer



The Common Seal of

K.O. STAFFORD HOLDINGS PTY LTD
A.B.N. 20 007 953 693

Was hereunto affixed
In the presence of

[Signature]
Director
[Signature]
Secretary



The Common Seal of

B M MANEY PROPERTIES PTY LTD
A.C.N. 008 065 735

Was hereunto affixed
In the presence of

[Signature]
Director
[Signature]
Secretary



LANDS TITLES REGISTRATION
 OFFICE
 SOUTH AUSTRALIA

FORM APPROVED BY THE REGISTRAR-GENERAL

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES
 OF THE REAL PROPERTY ACT 1886

Solicitor/Registered Conveyancer/Applicant
 G.R. STOODLEY

AGENT CODE

Lodged by:

Correction to:

G.R. STOODLEY GRS 9P

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH
 INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

Assessor

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

- 1.....
- 2.....
- 3.....

Serial No.	Prefix

BELOW THIS LINE FOR OFFICE USE ONLY

Date:	Time:
FEES	
R.G.O.	POSTAGE
	NEW C.T.

CORRECTION	PASSED

REGISTERED
REGISTRAR-GENERAL

Lic. No. 3 Jan 2000

DELIVERY INSTRUCTIONS (Agent to complete)
 PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE
 UNDERMENTIONED AGENT(S)

ITEM(S)	AGENT CODE

Printed by Graham Stoodley, G. R. Stoodley Conveyancer on 7/9/2000 15:05

Insert type of document here APPLICATION TO REGISTER LAND MANAGEMENT AGREEMENT

To The Registrar General

CITY OF MOUNT GAMBIER of 10 Watson Terrace Mount Gambier 5290 HEREBY APPLIES pursuant to the provisions of Section 57 (5) of the Development Act 1993 for the registration of the attached Agreement dated the _____ day of _____ 2000 and made between CITY OF MOUNT GAMBIER aforesaid as the Council of the one part and WEST GAMBIER PROPERTIES PTY LTD A.C.N. 007 832 733 of 12 Crouch Street South Mount Gambier 5290 as the Owner of the other part as a Land Management Agreement pursuant to Section 57 (2) of the said Act. The said Agreement binds the whole of the land comprised in Certificate of Title Register Book Volume 5106 Folio 472 and operates to control the future development of the said land.

DATED the _____ day of _____ 2000

The Common Seal of

CITY OF MOUNT GAMBIER
was hereunto affixed
in the presence of


Mayor

Chief Executive Officer




The Owner HEREBY CONSENTS to the registration of the attached Land Management Agreement

The Common Seal of

WEST GAMBIER PROPERTIES PTY LTD
A.C.N.007 832 733
was hereunto affixed
in the presence of


Director


Secretary



CITY OF MOUNT GAMBIER
Development Act 1993
DEVELOPMENT APPROVAL
Approved Plan

Development No: 381/0321/00

Signed: 

Title: Senior Planning Officer

Date: 8 December 2000

NOTE: This form may be used only when no panel form is suitable.

1

MEMORANDUM OF LAND MANAGEMENT AGREEMENT pursuant to Section 57 (2) of the Development Act 1993 as amended (hereinafter called "the Act") made The day of 2000 between the **CITY OF MOUNT GAMBIER** situated at 10 Watson Terrace Mount Gambier 5290 (hereinafter called "the Council") of the one part and **WEST GAMBIER PROPERTIES PTY LTD** A.C.N. 007 832 733 of 12 Crouch Street South Mount Gambier 5290 (together with its assigns referred to as "the Owner") of the other part

WHEREAS

- A. The Owner is the proprietor of an estate in fee simple in the whole of the land comprised and described in Certificate of Title Register Book Volume 5106 Folio 472 (hereinafter referred to as "the Subject Land")
- B. Save and except for the Owner as at the date of entering into this Agreement no other person or persons have any legal or equitable interest in the subject land;
- C. The Council is prepared to grant its consent pursuant to the Act to the development of Allotment 96 in Filed Plan 206434 and Allotment 10 in Deposited Plan 35581 in the Hundred of Blanche situated at 109 and 111-113 Commercial Street East Mount Gambier respectively in accordance with the consent granted to the Development Application No. 381/0321/2000 as per plan attached hereto and marked 'A' is carried out in a manner which is in accordance with the terms, conditions, principles and guidelines set out in this Agreement in addition to complying with relevant statutory provisions.

NOW THIS AGREEMENT WITNESSES and in consideration of the foregoing premises and further in consideration of the sum of One Dollar (\$1-00) being paid by the Council to the Owner if demanded, the Owner and the Council agree as follows:-

1. **RECITALS:**

The Owner and the Council acknowledge the correctness of the recitals which shall comprise and form a part of this Agreement.

2. **INTERPRETATIONS:**

- 2.1 Words and phrases used in this Agreement which are defined in the Act shall have the meanings as defined in that Act:-
- 2.2 Words importing the singular number or plural numbers shall include the plural number and singular number respectively.
- 2.3 Words importing the masculine gender only shall include the feminine and neuter genders and vice versa.



- 2.4 A reference herein to any statute shall include all statutes amending, consolidating or replacing the statute referred to.
- 2.5 "The Subject Land" means the whole of the land now comprised and described in Certificate of Title Register Book Volume 5535 Folio 623.
- 2.6 "The Present Owner" means the company or companies or any related company or companies or the person or persons presently and from time to time registered or entitled to be registered as the proprietor in fee simple to the land subject to such encumbrances liens and interests as are registered and notified by memoranda endorsed on the Title.
- 2.7 The term "the Owner" means where the Owner is a company the inclusion of its successors, assigns and transferees and where the Owner is a person, the inclusion of his/her heirs, executors, administrators and transferees and where the Owner consists of more than one person or Company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees the company or companies the person or persons registered or entitled to be registered presently and from time to time as the proprietor of an estate in fee simple subject however to such encumbrances liens and interests as are registered and notified by memoranda endorsed on the Title or Titles thereof and where the context allows, includes the present Owner.
- 2.8 "Council" means City of Mount Gambier and its successors and assigns.
- 2.9 Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively.
- 2.10 Where two or more persons are bound hereunder to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and each of them severally.
- 2.11 Any heading are for reference purposes only and shall not be resorted to in the interpretation of this Deed.

3. **THE PRESENT OWNER'S OBLIGATIONS:**

- 3.1 The present Owner shall lodge this Agreement for registration by the Registrar General at the Lands Titles Office pursuant to the provisions of the Real Property Act 1886 to comply with Development No. 381/0321/2000 as depicted on the said Plan and subject to this Agreement, shall carry out the obligations placed upon it. Should at any time there be no present Owner or the present Owner shall for any reason be unable to carry out its obligations under this Agreement the Council may at its own discretion so far as is necessary carry out the said obligations as if the Council were substituted for the present Owner.



Nothing in this paragraph shall prevent the Council from enforcing this Agreement in the manner provided herein.

4. **LAND USE:**
COMMERCIAL DEVELOPMENT:

4.1 The subject land may be developed for commercial purposes in accordance with Development Application No. 381/0321/00 and as varied by any subsequent Development Applications that are granted development approval by Council.

4.2 The owner hereby undertakes in the event of B.M. Maney Pty. Ltd., B.M. Maney Holdings Pty. Ltd., Hill Nominees Pty. Ltd., M.J. & E.J. Donovan Nominees Pty. Ltd., D.M. & A. Millard Nominees Pty. Ltd. trading as Barry Maney Ford (together with their successors, assigns and transferees) (the Tenant) vacating the building shall take all necessary action to comply with the Development Act 1993, the Building Code of Australia and/or all requirements of Council to reinstate the building and extinguish this Land Management Agreement.

5. **ENFORCEMENT:**

5.1 The Council or any employee or agent of the Council authorized by the Council may at any reasonable time enter into and upon any allotment for the purpose of: (a) inspecting the said land and any building on the said land;

(b) exercising any other powers of the Council under this Agreement;

5.2 If the Owner is in breach of this Agreement the Council may by notice in writing served on the Owner require the Owner to remedy the breach within such time as nominated by the Council in the notice (being not less than 28 days from the date of service of the notice) and if the Owner fails to so remedy the breach of Council or its servants or agents may carry out the requirements of the notice and in so doing may perform any necessary works upon the land and recover any costs thereby incurred from the Owner.

5.3 If in a notice referred to in Clause 5.2 herein the Council requires the removal of any structure from the land which may include but shall not be limited to a building or material of any kind the Council and its servants or agents are hereby authorized and empowered by the owner to remove the said things from the land and to dispose of them in any manner determined by the Council PROVIDED THAT if these things shall have any monetary value then the Council shall use its best endeavours to realize that monetary value and shall after disposal thereof account to the Owner and pay to it the realised value less all expenses incurred.

5.4 In addition to all other rights it may have, the Council may, insofar as the law allows, enforce this Agreement by the exercise of the powers granted to it under Part 11 Division I of the Development Act 1993 as if the provisions of this Agreement constituted conditions to a planning authorization.



6. **DELEGATION**

The Council may delegate any of the Council's functions or powers under this Agreement to any person.

7. **NOTICES:**

A notice shall for the purposes of this Agreement be properly served on the Owner including the present Owner if it is:

- (a) posted to the Owner or if more than one Owner any one of the Owner's last known address to the Council: or
- (b) affixed in a prominent position on the subject land or on any allotment belonging to the Owner or Owners as the case may be.

8. **REGISTRATIONS:**

Each party hereto insofar as that may achieve the same shall do all things necessary to ensure that this Agreement is registered and a memorial thereof entered on the Certificate of Title pursuant to the provisions of Section 57 (5) of the Act.

9. **COSTS:**

9.1 This Agreement will be lodged for registration at the Registrar General at the Lands Titles Office pursuant to the provisions of the Real Property Act 1886, as amended and the cost of registration shall be borne by the present owner.

9.2 The Owner hereby indemnifies the Council and agrees to keep it forever indemnified in respect of the whole of its costs and expenses of and incidental to the negotiation preparation stamping and registration of this Agreement and the implementation including the enforcement of its term.

[

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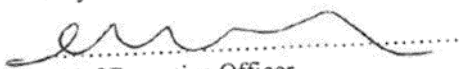
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IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year hereinbefore written.



The Common Seal of
CITY OF MOUNT GAMBIER

Was hereunto affixed
In the presence of


Mayor

Chief Executive Officer



The Common Seal of
WEST GAMBIER PROPERTIES PTY LTD
A.C.N. 007 832 733
Was hereunto affixed
In the presence of



LANDS TITLES REGISTRATION
 OFFICE
 SOUTH AUSTRALIA

FORM APPROVED BY THE REGISTRAR-GENERAL

BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1886	
_____ Solicitor/Registered Conveyancer/Applicant G.R. STOODLEY	

AGENT CODE

Lodged by:

Correction to:

G.R. STOODLEY GRS 9P

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH
 INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

Assessor

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

- 1.....
- 2.....
- 3.....

Series No.	Prefix

BELOW THIS LINE FOR OFFICE USE ONLY

Date:		Time:	
FEES			
R.G.O.	POSTAGE	NEW C.T.	

CORRECTION	PASSED
------------	--------

REGISTERED	REGISTRAR-GENERAL
------------	-------------------

Lic. No. 3 Jan 2000.

DELIVERY INSTRUCTIONS (Agent to complete)
 PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE
 UNDERMENTIONED AGENT(S)

ITEM(S)	AGENT CODE

Printed by Graham Stoodley, G. R. Stoodley Conveyancer on 30/8/2000 10:03



21.3 PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 - CITY OF MOUNT GAMBIER - DEVELOPMENT APPLICATIONS – REPORT NO. AR22/61646

Committee:	Council
Meeting Date:	20 September 2022
Report No.:	AR22/61646
CM9 Reference:	AF21/496
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Summary:	This report provides Council with a summary of Development Applications received since 1st January, 2022
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR22/61646 titled 'Planning, Development and Infrastructure Act 2016 - City of Mount Gambier - Development Applications' as presented on 20 September 2022 be noted.



TYPE OF REPORT

Other

BACKGROUND

The eplanning portal provides the ability to produce a range of statistical reports on Development Applications lodged within the City of Mount Gambier. Copies of a number of reports from the eplanning system is attached for Members Information and Perusal.

PROPOSAL

A summary of Development Applications received by the City of Mount Gambier since 1st January 2022 is as follows:

- 320 Development Applications have been submitted with 320 lodged (An application is not confirmed as being lodged until fees have been paid).
- The value of building work is \$55.63 million
- Council received 99 Development Applications for new houses
- 87 applications for sheds
- 7.8% of applications were determined by the Assessment Panel

Interestingly Tuesdays at 1p.m. is the most popular time for people to lodge a Development Application.

It is hard to provide comparison data for previous years as the nature and type of Development Applications have changed with the introduction of the Planning, Development and Infrastructure Act.

LEGAL IMPLICATIONS

Council has a legal responsibility for the assessment of Development Applications within it's Council area.

STRATEGIC PLAN

Development Services contributes significantly towards the achievement of the Strategic Plan as it has a relationship to Our People, Our Economy, Our Location and Our Climate, Natural Resources, Arts, Culture and Heritage.

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

Development contributes significantly towards the economy of the City of Mount Gambier and the surrounding area. The value of building work with the City is a significant contribution towards the economy of the city with a investment value of \$55.63 million since January, 2022.

ENVIRONMENTAL IMPLICATIONS

Development requirements are continually being reviewed to help improve the environmental implications of building work.

SOCIAL IMPLICATIONS

Development has an impact on people from a wide range of perspectives within the community.

CULTURAL IMPLICATIONS

Development has an impact on people from a wide range of perspectives within the community.



RESOURCE IMPLICATIONS

Council has a legal obligation to provide this service which has human resource and material resourcing implications.

VALUE FOR MONEY

Development Applications provide a revenue stream for Council through application fees and rateable properties.

RISK IMPLICATIONS

Risks are identified and managed through Council's Risk Management framework.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A is undertaken in accordance with legislative requirements.

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

The Development Services Team of Council undertake a variety of tasks, one of which involves the assessment of Development Applications. As identified within the statistics, Council has received 320 Development Applications for a variety of different types of development, which directly contributed \$55.63 million dollars to the economy.

ATTACHMENTS

1. Indicator Report - City of Mount Gambier [↓](#)
2. Council Report - Elements - City of Mount Gambier [↓](#)
3. Council Report - Accessibility [↓](#)





City of Mt Gambier



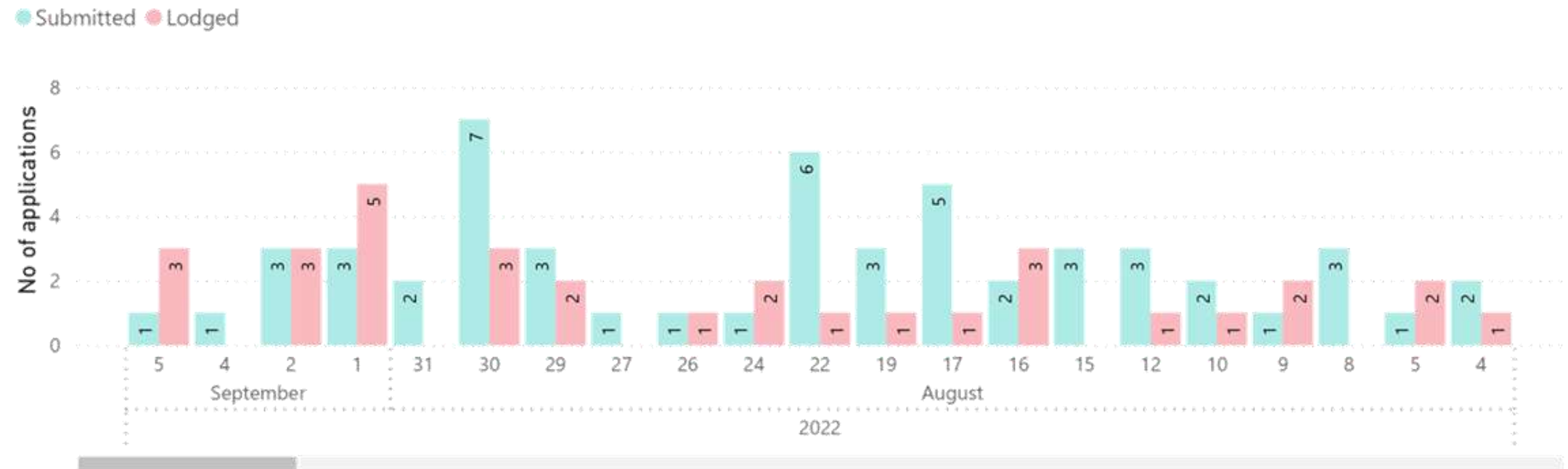
DA Submission Date
1/1/2022 9/5/2022

**Total development cost
(Submitted)
\$59.39M**

**Total development cost
(Lodged)
\$55.63M**

**Total Applications Submitted
328**

**Total Applications Lodged
320**



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City of Mt Gambier



Government of South Australia
Attorney-General's Department

DA Submission Date

1/1/2022 9/5/2022

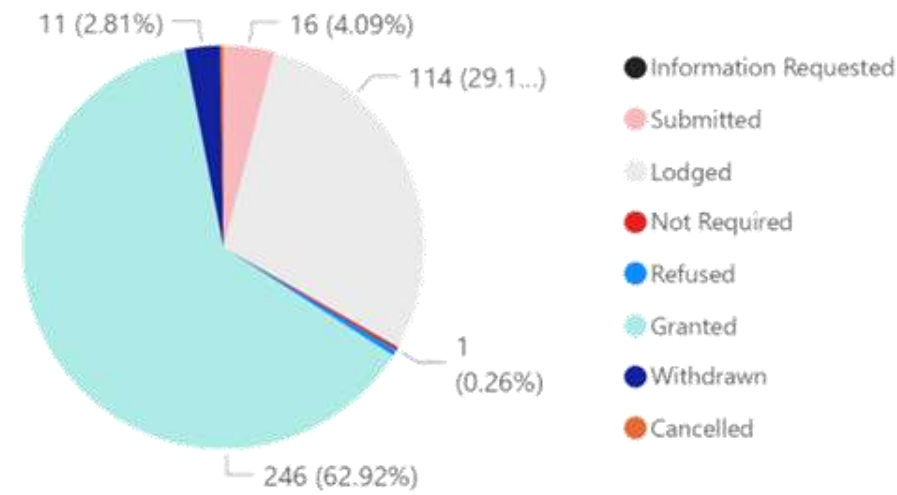
Total Applications Submitted

328

Total Applications lodged

320

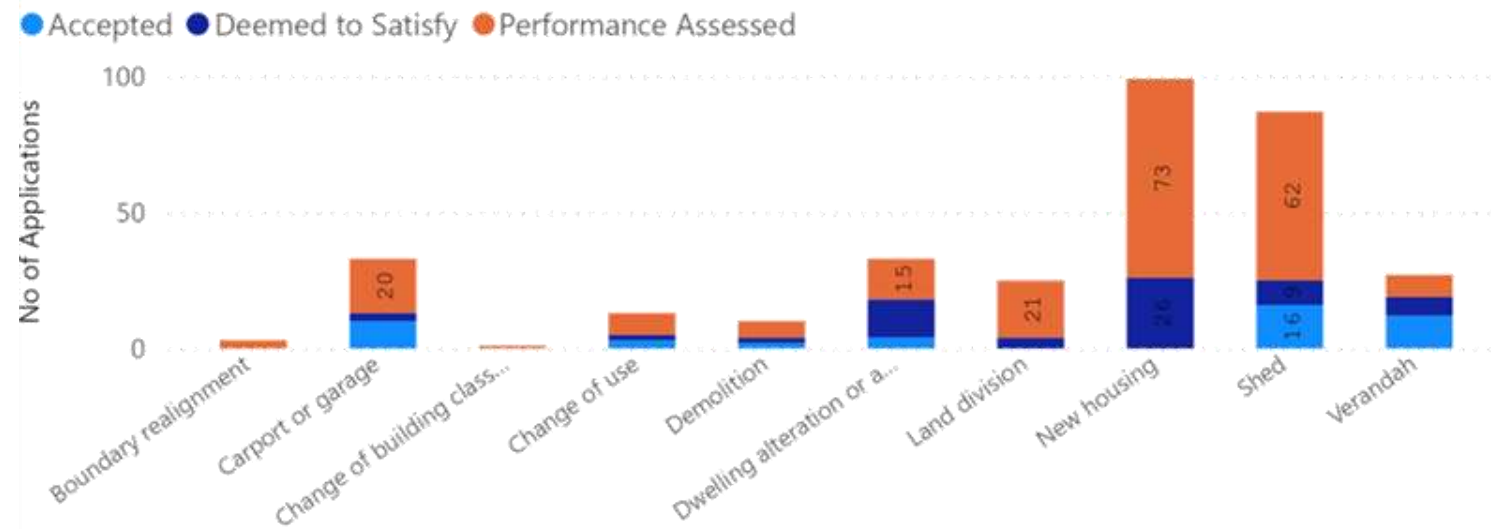
Current applications status



Development applications by categories

Development Category	Number of DAs	Percent
Accepted	78	19.95%
Deemed to Satisfy	64	16.37%
Performance Assessed	249	63.68%
Total	391	100.00%

Applications by element type and category



Median/average days per development decision

DA status	Number of DAs	Average Days	Median Days
Granted	243	25.41	21
Refused	2	37.50	38
Total	245	25.51	21

Transitional DA are not part of DA duration calculation.

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Partner Category

All

DA Duration (Consent and Development Category)

Consent/Dev Category	Dev Category	Average Duration	Average Dev Approval
Building Consent	Accepted	12.04	1.04
	Deemed to Satisfy	14.14	1.03
	Performance Assessed	14.36	1.24
Planning and Land Division Consent	Deemed to Satisfy	15.33	1.03
	Performance Assessed	38.63	1.24
Planning Consent	Accepted	1.65	1.04
	Deemed to Satisfy	5.19	1.03
	Performance Assessed	9.85	1.24

Clock Type Average Duration

Consent/Category/Clock Type	Development Category Short	ClockTypeCode	Average Duration	Average Dev Approval
Building	Accepted	CLOCK-ASSESSMENT	9.75	1.04
		CLOCK-VERIFICATION	2.29	1.04
	Deemed to Satisfy	CLOCK-ASSESSMENT	11.56	1.03
		CLOCK-VERIFICATION	2.58	1.03
	Performance Assessed	CLOCK-ASSESSMENT	12.66	1.26
		CLOCK-VERIFICATION	2.20	1.26
Planning	Accepted	CLOCK-ASSESSMENT	1.00	1.04
		CLOCK-VERIFICATION	1.64	1.04
		CLOCK-ASSESSMENT	3.73	1.03
	Deemed to Satisfy	CLOCK-VERIFICATION	1.46	1.03
		CLOCK-ASSESSMENT	9.34	1.26
		CLOCK-PUBLIC-CONSULTATION	-15.41	1.26
	Performance Assessed	CLOCK-REFERRAL	-5.71	1.26
		CLOCK-VERIFICATION	1.70	1.26
		CLOCK-ASSESSMENT	13.67	1.00
Planning and Land Division	Deemed to Satisfy	CLOCK-REFERRAL	0.00	1.00
		CLOCK-VERIFICATION	1.67	1.00
		CLOCK-ASSESSMENT	36.56	1.00

Clock Type Average (With and without Public Consultation)

Consent/Category/Clock Type	Development Category Short	ClockTypeCode	Consent without Public Consultation	Average (Consent without Public Consultation)	Consent with Public Consultation	Average (Consent with Public Consultation)
Planning and Land Division	Performance Assessed	CLOCK-ASSESSMENT	16	36.56		
		CLOCK-VERIFICATION	16	2.06		
		CLOCK-REFERRAL	16	0.00		
	Deemed to Satisfy	CLOCK-ASSESSMENT	3	13.67		
		CLOCK-VERIFICATION	3	1.67		
		CLOCK-REFERRAL	3	0.00		
Building	Performance Assessed	CLOCK-ASSESSMENT	291	12.66		
		CLOCK-VERIFICATION	303	2.20		
	Deemed to Satisfy	CLOCK-ASSESSMENT	98	11.56		
		CLOCK-VERIFICATION	98	2.58		

Note:
Duration is for DA with approval only, and for non-transitional DAs only.

Referral Clocks are always considered Zero duration.

Public consultation time is considered negative value.

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City of Mt Gambier



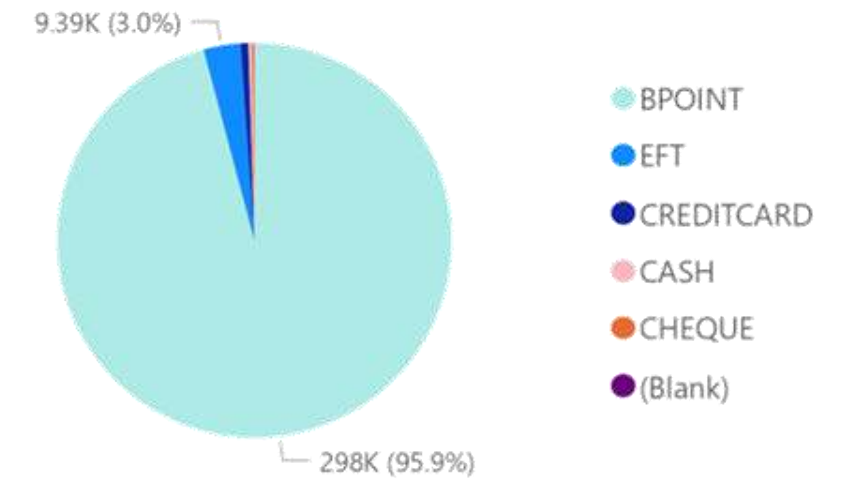
Date Filter Type

Submitted

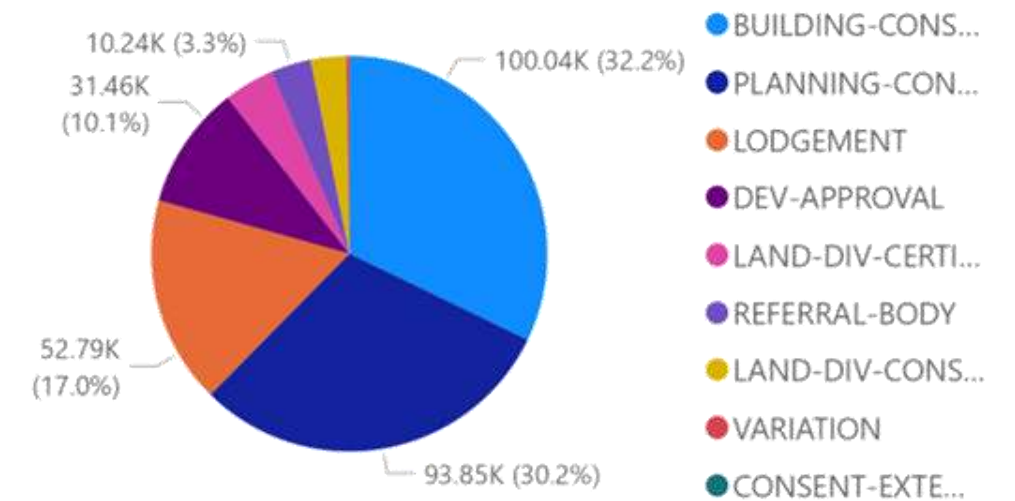
1/1/2022 9/5/2022

Total development cost	Total fee collected
\$59.39M	310.89K

Fee collected by different payment methods



Fee collected by type



Last data refresh: 9/6/2022 2:38:41 AM

Application Status	Total estimated development cost	Total fee requested/collected
Submitted	\$4,470,162.00	\$1,933.60
Lodged	\$27,962,423.97	\$180,941.81
Not Required	\$15,000.00	\$393.50
Refused	\$335,630.00	\$1,421.79
Granted	\$34,511,985.28	\$302,280.85
Withdrawn	\$3,008,141.00	\$6,365.25
Cancelled	\$385,040.00	\$1,868.90
Total	\$70,688,382.25	\$495,205.70



Filter Panel

Date Filter Type: Submitted (3/19/2021 to 9/5/2022)

Relevant Authority: All

Building Inspection Req: All

Allocated Assessor: All

Consent types with median/average number of days

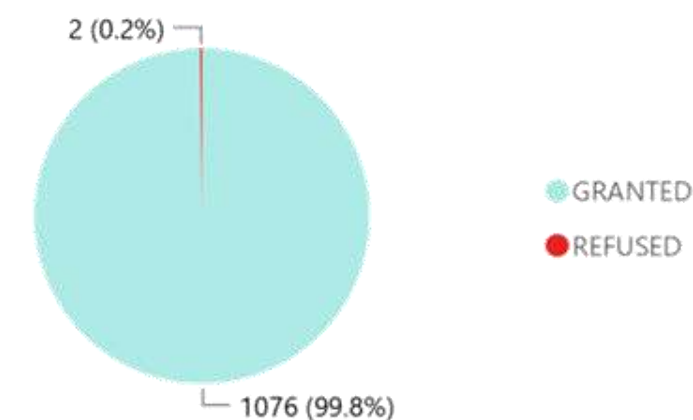
Decision	GRANTED			REFUSED		
	Total Consents	Average days	Median days	Total Consents	Average days	Median days
Building	503	14.50	13	0		
Land Division	0			0		
Planning	491	9.81	6	2	37.50	38
Planning and Land Division	19	34.95	28	0		
Total	1013	12.61	10	2	37.50	38

Transitional DAs and appealed consents are not included in decision duration calculation.

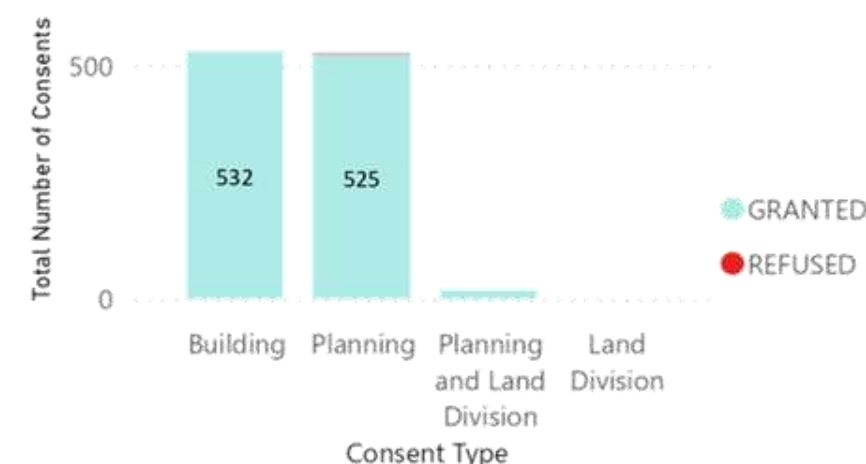
Consents by Relevant Authority

Decision	GRANTED		REFUSED		Total	
	Total Consents	Percent	Total Consents	Percent	Total Consents	Percent
Accredited Professional	68	6.31%	0	0.00%	68	6.31%
Assessment Manager	517	47.96%	2	0.19%	519	48.14%
Assessment Panel	27	2.50%	0	0.00%	27	2.50%
Council	464	43.04%	0	0.00%	464	43.04%
Private Accredited Professional	0	0.00%	0	0.00%	0	0.00%
Total	1076	99.81%	2	0.19%	1078	100.00%

Percentage



Consents by Type



Last data refresh: 9/6/2022 2:38:41 AM



Date Filter Type
Submitted

1/1/2022 9/5/2022

Total planning consents

304

Planning consents with decision

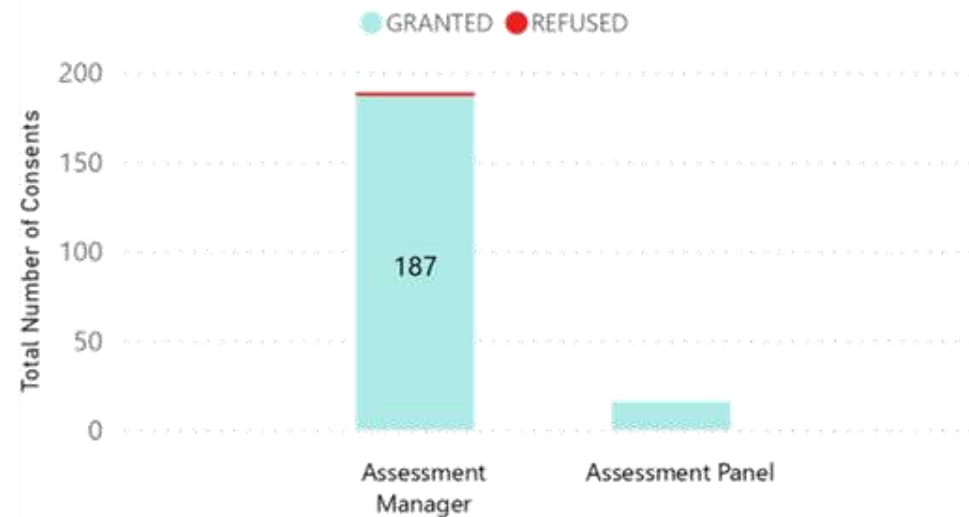
205

Planning consents by relevant authority

Planning consents (Granted vs Refused) by Dev Category

Decision	GRANTED			REFUSED			
	Development Category	Total Consents	Average days	Median days	Total Consents	Average days	Median days
Accepted		0			0		
Deemed to Satisfy		47	6.36	4	0		
Exempt		0			0		
Performance Assessed		148	11.66	9	2	37.50	38
Restricted		0			0		
Total		195	10.38	7	2	37.50	38

Planning consents decision by relevant authority



Non - transitional DAs and consents with decision and without appeal are considered for decision duration.

Planning consents by Relevant Authority

Decision	GRANTED		REFUSED		Total		
	RA Assessor Rule	Total Consents	Percent	Total Consents	Percent	Total Consents	Percent
Assessment Manager		187	91.22%	2	0.98%	189	92.20%
Assessment Panel		16	7.80%	0	0.00%	16	7.80%
Total		203	99.02%	2	0.98%	205	100.00%

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Filter Panel

Date Filter Type: Submitted (1/1/2022 to 9/5/2022)

Relevant Authority: All

Building Inspection Req: All

Allocated Assessor: All

Total Building consents: **314**

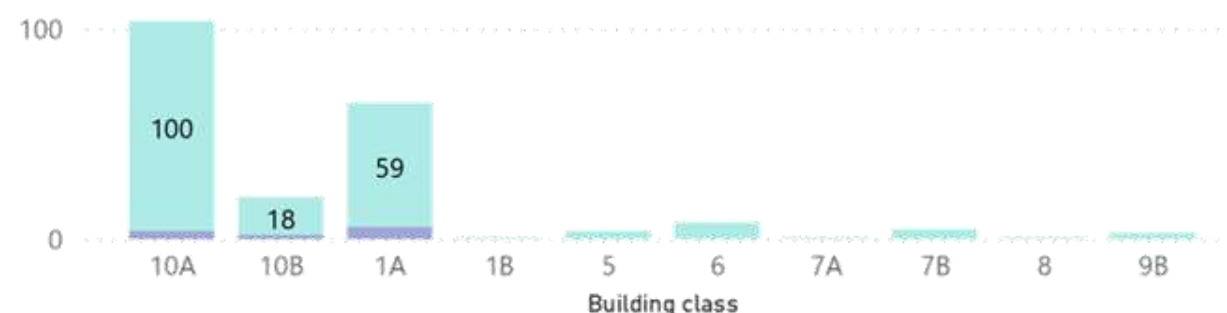
Total Building consents with decision: **185**

Total DAs with Building consents: **304**

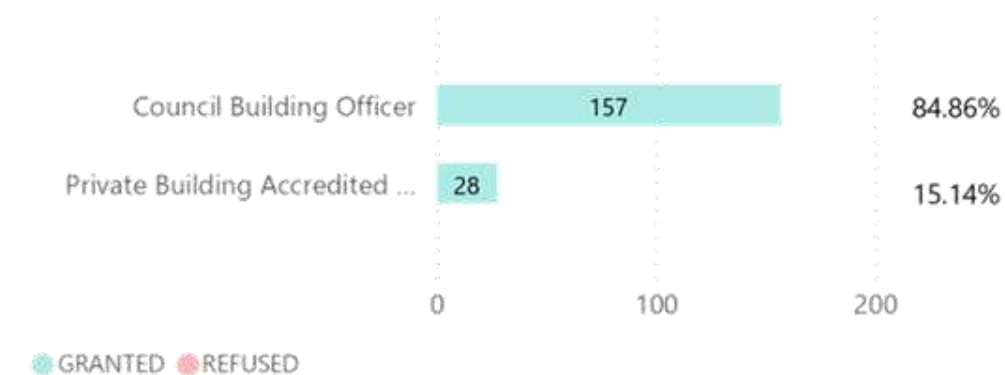
Total Building Works to be Inspected: **175**

Total Mandatory Building Inspections: **23**

Building Class (Could be multiple types per building consent)



Decision made by



Consent Authorized by	Council Building Officer		Private Building Accredited Professional		Total	
	Total Consents	Percent	Total Consents	Percent	Total Consents	Percent
GRANTED	157	84.86%	28	15.14%	185	100.00%
REFUSED	0	0.00%	0	0.00%	0	0.00%
Total	157	84.86%	28	15.14%	185	100.00%

Last data refresh: 9/6/2022 2:38:41 AM





Filter Panel

Date Filter Type: Submitted

Relevant Authority: All

Allocated Assessor: All

Total Land Division consents

0

Total Land Division consents with decision

0

Land division consents by Relevant Authority

Decision	GRANTED		REFUSED		Total	
	Total Consents	Percent	Total Consents	Percent	Total Consents	Percent
Total	0		0		0	

Land division consents decision by relevant authority

Last data refresh: 9/6/2022 2:38:41 AM





Filter Panel

Date Filter Type: Submitted (dropdown)
 1/1/2022 | 8/15/2022

Relevant Authority: All (dropdown)

Allocated Assessor: All (dropdown)

Total Planning and Land Division consents
24

Total Planning and Land Division consents with decision
11

Planning and land division consents by Relevant Authority

Decision	GRANTED		REFUSED		Total	
	Total Consents	Percent	Total Consents	Percent	Total Consents	Percent
Assessment Manager	11	100.00%	0	0.00%	11	100.00%
Total	11	100.00%	0	0.00%	11	100.00%

Planning and land division consents decision by relevant authority



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City of Mt Gambier



Government of South Australia
Attorney-General's Department

Filter Panel

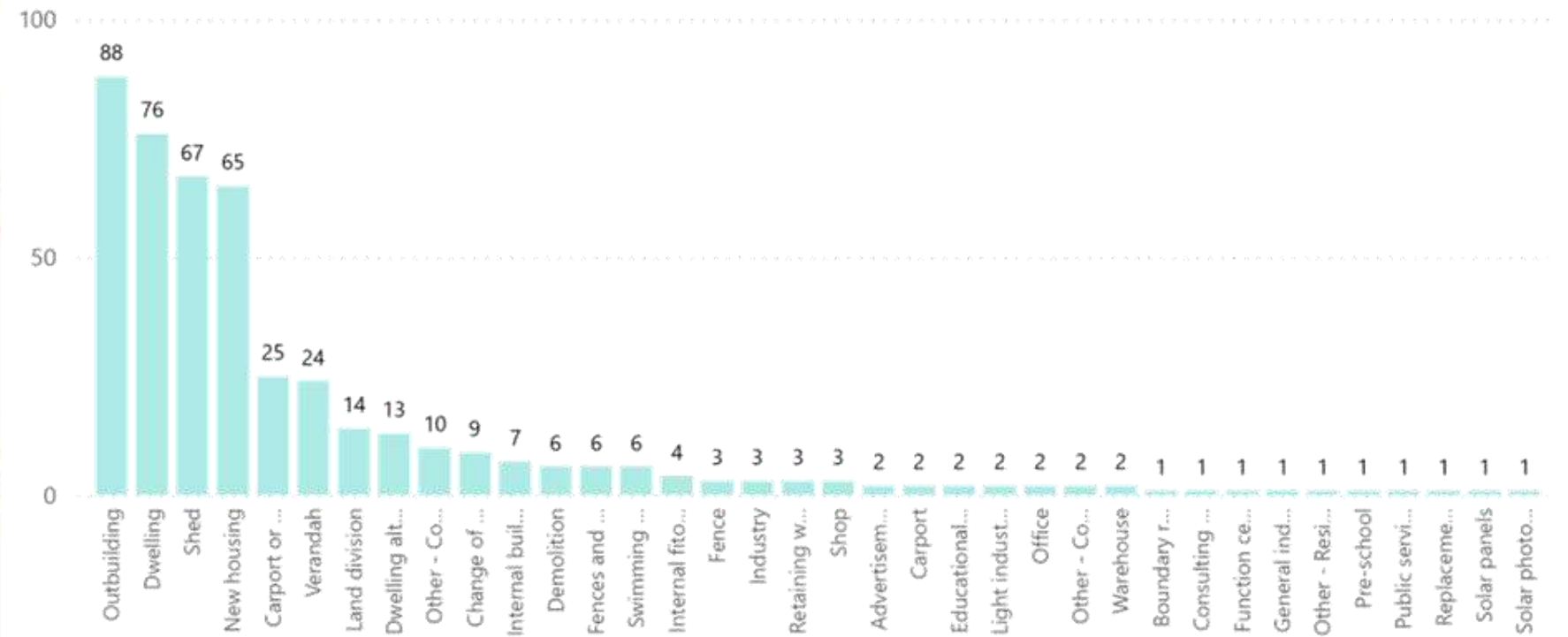
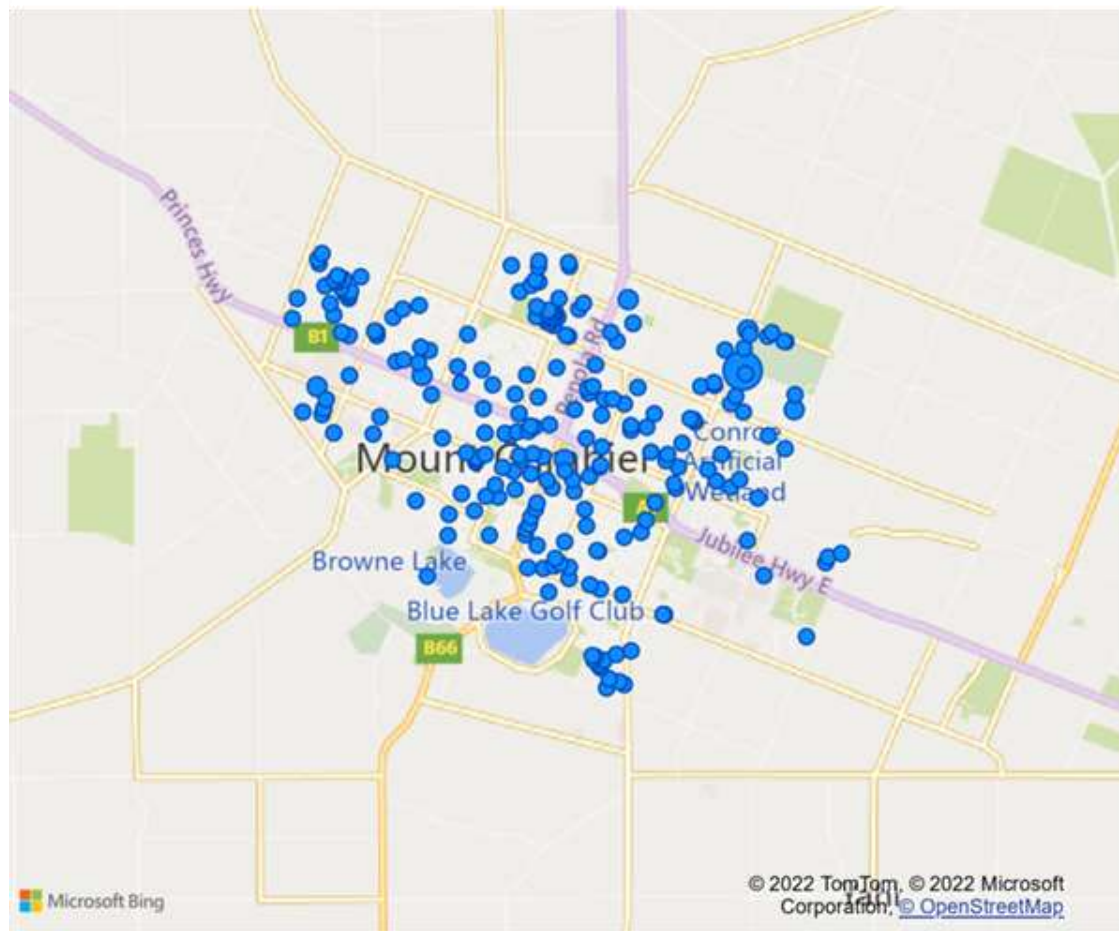
Application Stage (Date Filter): Development Approval Granted (1/1/2022 to 9/5/2022)

Application Type: All

ElementType: All

ApplicationID: All

Allocated Assessor: All



Last data refresh: 9/6/2022 1:31:47 AM



City of Mt Gambier



Government of South Australia
Attorney-General's Department

Filter Panel

Date Filter Type: Submitted (1/1/2022 to 9/2/2022)

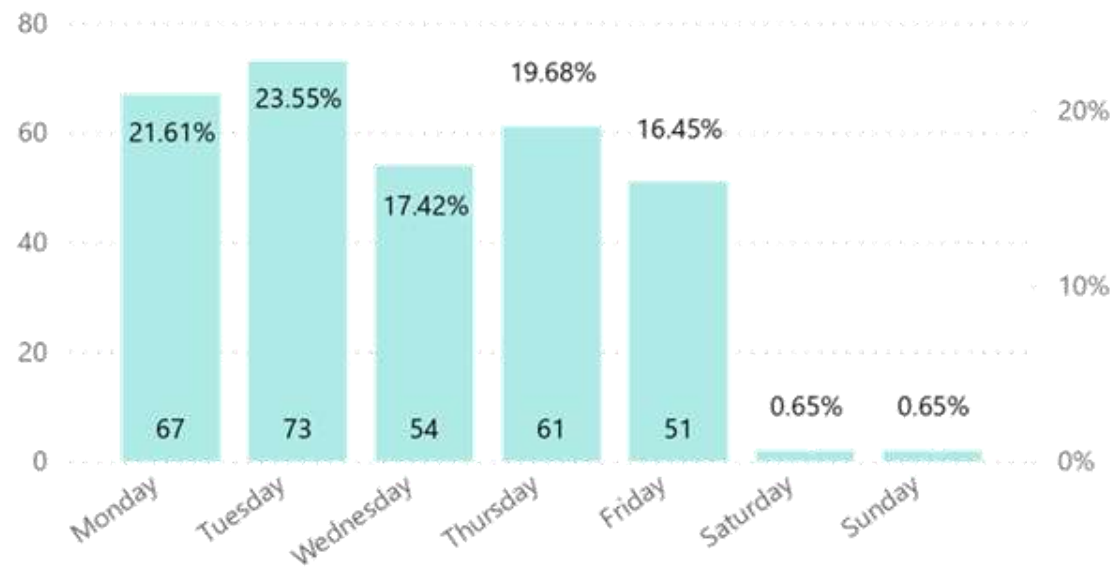
Application Type: All

ElementType: All

ApplicationID: All

Allocated Assessor: All

When people are lodging applications (days of the week)



When people are lodging applications (hours of the day)



Lodged DAs only.

Last data refresh: 9/6/2022 1:31:47 AM

21.4 ELECTION OF LGA PRESIDENT – REPORT NO. AR22/62077

Committee:	Council
Meeting Date:	20 September 2022
Report No.:	AR22/62077
CM9 Reference:	AF21/496
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Sarah Philpott, Chief Executive Officer
Summary:	This report is presented for Council to determine its preferred candidate for the position of Local Government Association President for the purpose of casting a vote in an election process.
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR22/62077 titled 'Election of LGA President ' as presented on 20 September 2022 be noted.
2. That Council endorse the following candidate for the 2022 election for Local Government Association President:
 - Mayor Erika VICKERY OAMThe ballot paper be marked, sealed and returned to the Returning Officer accordingly.



TYPE OF REPORT

Corporate

BACKGROUND

In July 2022 the Local Government Association sought nominees for the position of Local Government Association President. A report was presented to the 16 August 2022 Council meeting at which it was resolved that:

“Council supports the nomination of Mayor Erika Vickery OAM as the LGA President for the 2022-2024 term.”

PROPOSAL

Council has received correspondence from the Local Government Association advising that five nominations were received for the position of Local Government Association President and accordingly an election is required.

The five candidates, in order of the ballot draw, are:

- Mayor Keith Parkes – Alexandrina Council
- Mayor Caroline Phillips – District Council of Karoonda East Murray
- Mayor Brett Benbow – Port Augusta City Council
- Mayor Bill O’Brien – Adelaide Plains Council
- Mayor Erika Vickery OAM – Naracoorte Lucindale Council

A Candidate Information Sheet for each of the five candidates is attached for information.

Letters of request for support have been received and are attached for information, from:

Mayor Erika Vickery OAM

Mayor Keith Parkes

Mayor Caroline Phillips

Mayor Bill O’Brien

The election process requires a resolution of Council to determine the candidate it wishes to elect, after which the ballot paper will be marked, sealed and returned to the Returning Officer.

The completed ballot must be received in hardcopy by no later than 5:00pm on Monday 17 October 2022.

LEGAL IMPLICATIONS

The election of the Local Government Association President is in accordance with its Constitution.

STRATEGIC PLAN

N/A

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A



SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

Upon determination of a preferred candidate, by resolution, the ballot paper will be marked, sealed and returned to the Returning Officer.

CONCLUSION AND RECOMMENDATION

Having considered the candidates for the position of Local Government Association President and further to its resolution of 16 August 2022, Council endorse Mayor Erika Vickery OAM for election to the position of Local Government Association President and the ballot paper be marked, sealed and returned to the Returning Officer accordingly.



ATTACHMENTS

1. LGA President Candidate Information Sheet [↓](#)
2. Mayor Erika Vickery OAM - Request for support for LGA President Nomination [↓](#)
3. Mayor Keith Parkes - Request for support for LGA President Nomination [↓](#)
4. Mayor Caroline Phillips - Request for support for LGA President Nomination [↓](#)
5. Mayor Bill O'Brien - Request for support for LGA President Nomination [↓](#)





Local Government Association
of South Australia

The voice of local government.

LGA President Candidate Information Sheet

Name	Mayor Keith Parkes
Council	Alexandrina Council
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • Current Mayor Alexandrina Council since 2014 • Elected member Alexandrina Council 2010-2014 • LGA of SA Board director 2016 - current. Deputy Board Member 2014-2016 • SAROC Committee member 2016 - current. Deputy Committee member 2014-2016 • Southern & Hills LGA President 2016 - current. Member since 2014 • Chair Local Government Transport Advisory Panel (Special Local roads) • Board Director LGA of SA Audit & Risk Committee • Member LGA of SA Nominations Committee • Chair South Australian Coastal Council's Alliance
Local Government Policy Views & Interests	<p>Strong and effective local government has never been more important to the communities of South Australia. I bring to the role of President of the LGA of SA the skill and experience to help drive the LGA's current Strategic Plan and its emphasis on providing evidence-based advocacy for our members and their respective communities in what has become challenging socioeconomic times.</p> <p>South Australian communities face a broad range of new and emerging challenges that require sound local government leadership. These include water and energy management issues, the undeniable impact of climate change, the rising cost of living, homelessness, our ageing population and much more. Climate change is of particular concern to me and I would relish the opportunity to help drive the urgent and sustained action required to reduce emissions and manage the impacts of climate change as identified in the LGA Climate Commitment Action Plan 2021- 23.</p> <p>I am a firm believer in harnessing the collective energy of all levels of government including advocacy on the reinstatement of financial assistance grants to the appropriate share of GDP. Now is the time to build a strong, collaborative relationship with our new State Government. I have good existing relationships but also have the capacity and means to build new relationships to strengthen the bond between the LGA and the new regime to address the challenges we face and fully explore, inter alia, innovative approaches such as the diversification of revenue options for local government or the procurement of support for councils around the impacts of climate change.</p>



The voice of local government.

Name	Mayor Keith Parkes
Council	Alexandrina Council
Local Government Policy Views & Interests cont.	<p>Our relationship with the State Government needs to be dedicated and proactive to contribute meaningfully to policy and legislative development through the State-Local Government Relations Agreement and I am well disposed to deliver on the President's role in this. My extensive experience in local government and my comprehensive knowledge of the challenges faced by both metro and regional councils will allow me to drive initiatives to improve council sustainability, enhance the quality of life of South Australians through shaping better neighbourhood development and by improving infrastructure and access to infrastructure and public services. I am also passionate about enabling economic development through the implementation of programs that produce positive local outcomes and will advocate enthusiastically for this. I have a strong understanding of the issues facing SA councils and am particularly au fait with the impacts of seasonal and mobile populations and their connection with financial assistance and other grant opportunities. I will also continue to firmly oppose rate capping now more than ever.</p> <p>I am also a firm believer in looking inward as an organisation and am committed to fostering effective local government innovation as a collaboration between elected bodies and administrations.</p> <p>I believe I have the leadership experience in local government, as well as strong business acumen through my many years as a business owner, to inform such a role and have demonstrated such in my commitment and work ethic to the role of Mayor of Alexandrina Council and the LGA of SA as a board director.</p>
Other Information	<ul style="list-style-type: none"> • Extensive commercial business experience as an Owner /Director of my own business until 2014 • Member Australian Institute of Company Directors (course completed 2018) • Chair Goolwa to Wellington Local Action Planning Association • SA representative Australian Coastal Councils Association



LGA President Candidate Information Sheet

Name	Mayor Caroline Phillips
Council	District Council of Karoonda East Murray
Local Government Experience & Knowledge	<p>Caroline Phillips is a Murraylands resident and is the currently the Mayor of the District Council of Karoonda East Murray (DCKEM)</p> <ul style="list-style-type: none"> • DCKEM Elected Member Appointed 2010 • DCKEM – Deputy Mayor 2014-2018 • DCKEM Mayor 2019-2022 • MRLGA Vice President – Appointed 2021 • SAROC Committee Member – Appointed 2021 <p>Current Board Director Experience</p> <ul style="list-style-type: none"> • Netball South Australia - Appointed 2018 • Tourism industry Council of South Australia – Appointed 2019 • Landscapes SA Murraylands Riverland – Appointed 2021
Local Government Policy Views & Interests	<p>Caroline is an active leader in her community and the broader district with a focus on building capacity, capability and resilience. In one of the smallest councils in the State, Caroline's leadership has delivered short, medium and long term strategies that are equally applicable across the entire sector – something which she is keen to share. In each case these have delivered positive outcomes to her community in times of extreme challenge.</p> <p>An energetic, positive leader who thrives on collaboration and considered change management, Caroline has fostered and developed strategic connections across State and Federal Governments and private enterprise and is well respected within each of these environments.</p> <p>Caroline is a strong advocate for youth opportunities, early childhood and intervention programs and childcare accessibility.</p> <p>Caroline interests in local government policy focusses on what is reasonable, achievable and sustainable within the sector. She is a hands on leader and learner who actively shares knowledge across the sector.</p>



The voice of local government.

Name	Mayor Caroline Phillips
Council	District Council of Karoonda East Murray
Other Information	<p>Caroline has worked in marketing and communications in the public and private sectors for more than twenty years. She holds professional qualifications in Marketing and a Bachelor of International Business.</p> <p>She is passionate about building and develop local communities, and has extensive experience working with the South Australian Tourism Commission, including holding the position of Regional Tourism Manager in the Murraylands and Riverland regions of SA.</p> <p>Caroline is currently a board member of the Tourism Industry Council of South Australia, Netball South Australia and Murraylands Riverland Local Government Association.</p> <p>Mayor Phillips also works as an independent marketing consultant servicing small business clients across regional South Australia and is a partner in a dryland farming venture with her husband.</p> <p>She lives at Wynarka on her family property with husband Troy and daughters Ruby (12) and Lucy (10)</p> <p>Personal mission statement: <i>To inspire and develop the next generation of change makers so that communities can thrive.</i></p>



LGA President Candidate Information Sheet

Name	Mayor Brett Benbow
Council	Port Augusta City Council
Local Government Experience & Knowledge	<ul style="list-style-type: none"> 2018 (Nov) — current — Mayor — Port Augusta City Council 2014 — 2018 (Nov) — Deputy Mayor - Port Augusta City Council 2010 — 2018 — Councillor — Port Augusta City Council <p>Mayor Benbow is now in his third term representing the Port Augusta Community and has gained significant local government experience during this time as Council has undertaken major projects whilst delivering a wide range of services to the community</p>
Local Government Policy Views & Interests	<p>Mayor Benbow is a long-term resident of Port Augusta, having lived in the town his entire life 60 years, raised a family of 3 and happily married to his wife Kristen who is a long-term resident and is the Manager of a prominent local Hotel. Mayor Benbow is dedicated to serve for the betterment of the City and giving back to the Community and eager to support growth of the youth of the City and to ensure renewable sector continues to flourish within the City and region.</p> <p>Mayor Benbow is passionate about the local government policy framework providing a consistent structure for matters to be resolved. Local Government provides an opportunity for local decision making and change to occur in a structured and informed manner. The Elected body can shape and develop policy to create positive outcomes and provide clarity and strategic direction for the Community.</p> <p>Mayor Benbow has seen the City evolve in the past, and can see the potential the City has as it continues to reinvent itself as a regional hub. There are many great opportunities for Port Augusta and the Upper Spencer Gulf region in the near future, and Mayor Benbow is eager to see these evolve into great things for our Community and City. It is an amazing and fulfilling experience to be able to promote these opportunities and develop the relationships to occur.</p>
Other Information	<p>Mayor Benbow's working career excess of 39 years within the Railway Industry in various senior roles. Mayor Benbow has been active within Community Sporting Groups throughout his life, taking on a variety of roles for sports including Basketball, Football, Golf, Soccer, Cricket, Darts and the Port Augusta Racing Club</p>

LGA President Candidate Information Sheet

Name	Mayor Bill O'Brien
Council	Light Regional Council
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • Mayor, Light Regional Council, 2010 to 2022 • General Manager (CEO), Central Darling Shire, NSW, 2001 to 2008 • Various Tourism and Economic Development roles at DC Kapunda 1992 to 1996 (SA) and DC Kapunda & Light 1996 to 1999 SA; and Central Darling Shire in 2000 (NSW)
Local Government Policy Views & Interests	<ul style="list-style-type: none"> • Community representation, and Youth representation. • Strong and inclusive leadership. • Supports regional representation through Legatus Group, SAROC and LGA. • Ensuring that local government has sound financial management, economic, tourism and community development. • First Nations Reconciliation engagement and programs.
Other Information	<ul style="list-style-type: none"> • Current Committee member of Kapunda Meals on Wheels. • Current Board Member Kapunda and Eudunda Health Advisory Council. • Current Committee Member the Pines Recreational Park Committee. • Current President U3A Kapunda and District. • Past President Kapunda Rotary Club. • Past Board Member Barossa Tourism Incorporated. • While at Central Darling Shire (NSW) the Council was winner of the AR Bluett Award for excellence in Local Government (regional councils), in addition to being awarded the Premier's Gold Award for contribution to Regional NSW (Western Division). • Early career included 6 years serving as a member of the RAAF at various postings across Australia.

LGA President Candidate Information Sheet

Name	Mayor Erika Vickery OAM
Council	Naracoorte Lucindale Council
Local Government Experience & Knowledge	<ul style="list-style-type: none"> Elected Member of Naracoorte Lucindale Council since 2000 and Mayor since 2010 President of the Limestone Coast Local Government Association since 2014 Chairperson of the South Australia Regional Organisation of Council since 2015 Board Member of the Local Government Association SA Board Member of the Australian Local Government Association
Local Government Policy Views & Interests	<p>Clear and open communication with member councils, strong and positive advocacy for local government across all levels of government, assist member councils to implement local government reforms, development of capacity building to ensure future sustainability for local government, ongoing accountability and transparency through pursuit of best practice and continuous improvement.</p> <p>Interests include: economic development and regional growth, community wellbeing, community engagement and communication, and the arts and culture.</p>
Other Information	<ul style="list-style-type: none"> Board Member of Regional Development Australia Limestone Coast Board Member Country Arts SA (and member of Governance & Finance Committee) Board Member of Australian Migrant Resource Centre Board Member of the SA Local Government Grants Commission and Boundaries Commission Awarded OAM in 2017 for services to Local Government and the community Partner in family farming enterprise



Naracoorte Lucindale Council
Better by Nature

6 September 2022

Dear Mayor and Elected Members,

I am writing to ask for your support for my nomination for the position of LGA President.

I am the Mayor of the Naracoorte Lucindale Council and the President of the Limestone Coast Local Government Association. Through these roles I am a board member of the LGA and ALGA, and Chairman of SAROC and the LGA Research and Development Advisory Committee. I also hold the positions as LGA nominee for the Country Arts SA Board and the SA Grants and Boundaries Commissions. I have held an elected position on Council for 22 years and been involved directly in the LGA for 7 years.

I recognise that the LGA needs strong, consultative, and accountable leadership, and I believe that I am the best candidate to help deliver that outcome as I have the skills and experience gained through Council and in my roles at the LGA, SAROC and ALGA. I have the knowledge, strength and determination to ensure projects that assist councils (such as housing, workforce, planning, coastal management, climate adaption) are undertaken for the benefit of the local government sector.

I am abreast of the depth of the reform process and legislative changes that are currently in front of local government and will make sure that Councils are fully informed and able to implement the myriad of changes progressively being introduced.

The LGA needs to continually be focused on representing the needs of its member Councils and it must keep its performance in this regard under constant review. I recognise and acknowledge that the LGA is a member organisation, and those members need to be the drivers of the future direction for the organisation. This always means constructive communication. Through my roles I know the importance of sound communication and have demonstrated the ability to deliver.

As President of the LGA, I will provide strong, accountable and energetic leadership, driving the opportunities for change while balancing the strengths which we already have as an organisation. I would appreciate your support in my bid to do so.

I welcome anyone who would like to talk to me further to please contact me on 0427622133 or erika.vickery@nlc.sa.gov.au, should you wish to discuss any aspect of the information I have provided.

Yours Sincerely,



Mayor Erika Vickery OAM

DeGaris Place (PO Box 555) Naracoorte SA 5271
Telephone (08) 8760 1100
Email council@nlc.sa.gov.au
www.naracoortelucindale.sa.gov.au



Alexandrina Council
Office of the Mayor

File: 10.14.008



29 August 2022

Mayor Lynette Martin OAM
City of Mount Gambier

mayormartin@mountgambier.sa.gov.au

Dear Mayor Martin OAM

I am writing to you regarding my nomination for the role of President of the LGA of SA and would sincerely appreciate if this letter could be included in the information pack provided to your members when your Council votes on this matter.

I am nominating for President because I have the desire, ability and experience to deliver on this role in what has become challenging socio-economic times for all South Australians. We all know that strong and effective local government has never been more important to our state and we now have a window of opportunity to drive a compelling advocacy campaign as part of the LGA's Strategic Plan that will have a significant bearing on the communities we serve across the length and breadth of South Australia.

We live in an environment of new and complex challenges. These include water and energy management issues, the undeniable impact of climate change, the rising cost of living, homelessness, our ageing population and much more. Climate change is of particular concern to me. I have seen the impacts of climate change with my own eyes and would relish the opportunity to help drive the urgent and sustained action required to reduce emissions and manage the impacts of climate change as identified in the LGA Climate Commitment Action Plan 2021-23.

Our relationship with the State Government is more important than ever and the President's role in this should be driven by a healthy dose of two of our key LGA values and behaviours – Optimism and Connectivity. Whilst there remains uncertainty at national level with regards to whether Local Government gets a seat at the Parliament table, I'm sure you agree that here in South Australia, our participation will be what we make it. I believe we need an LGA President who has the capacity and means to continue to build and leverage new relationships to strengthen the bond between local and State Government – to foster a productive and collaborative working relationship based on mutual and meaningful understanding of the roles of each tier of government. I have the desire, time, and commitment to deliver on this.

Alexandrina Council
11 Cadell Street (PO Box 21) Goolwa SA 5214
ABN 20 785 405 351

(08) 8555 7000
alex@alexandrina.sa.gov.au
alexandrina.sa.gov.au



I have comprehensive knowledge of the challenges faced by both metropolitan and regional councils and will represent both enthusiastically. I understand the development challenges faced by metropolitan councils against the backdrop of the housing shortage and have a strong understanding of the issues facing regional councils and the impacts of seasonal and mobile populations and their connection with financial assistance and other grant opportunities.

Internally, and against the backdrop of the socio-economic challenges we face as well as the recent reforms, I am committed to continuing to build and enhance the relationship between the Board and our organisation's management in a fair, equitable and constructive manner.

I nominate for the role of LGA President with a strong conviction that my extensive local government experience, as well as my experience as a business owner, position me very favourably to succeed.

Most importantly, I am passionate about ensuring that our councils have a voice in these challenging times because now more than ever, the decisions we make today will improve the quality of life of South Australians well into the future.

A vote for me is a vote for positive and effective action.

Thank you for considering my nomination for President of the LGA of SA. I would be happy to discuss my candidacy with you in more detail should you wish to do so.

Sincerely

A handwritten signature in black ink, appearing to read "Keith Parkes", with a long horizontal line extending to the right.

Keith Parkes
Mayor

Email: keith.parkes@alexandrina.sa.gov.au

Alexandrina Council





11 Railway Terrace (PO Box 58)
Karoonda SA 5307
08 8578 1004
council@dckem.sa.gov.au
www.dckem.sa.gov.au
ABN: 36 186 937 991

7 September 2022

Mayor Lynette Martin OAM
mayormartin@mountgambier.sa.gov.au

Dear Mayor Lynette Martin OAM,

I am writing to formally introduce myself as a candidate for LGA President, for which you will soon be asked to cast your vote.

If elected, I believe I would bring a fresh energy and a new perspective to the role with an ability to build on the great achievements of the past. Importantly, I am keen to leverage new opportunities that will arise as a result of the LG Reform and Productivity Commission.

I am a passionate, innovative leader who thrives on collaboration and unity to deliver the best outcomes for the local government sector.

I have served as an elected member for my council for the past 12 years including one term as Deputy Mayor and then progressing to Mayor in 2019. On the 6th of September 2022, I was declared elected unopposed as Mayor for the upcoming term. I am proud to be the first female Mayor in the history of the District Council of Karoonda East Murray, and I seek to inspire and develop the next generation of change makers so that communities can thrive.

Having worked with one of the smallest regional councils in the state, I have the ability to deliver great results with minimal resources, and I feel there are significant opportunities to transfer some of these learnings into a metropolitan context. As a strong advocate for youth opportunities, early childhood programs and childcare accessibility, I am proud of our local achievements in this space.

My professional background is in marketing and communications where I have held positions in the public and private sectors for more than twenty years. I hold a Bachelor of International Business and formal qualifications in marketing. I have extensive experience working in tourism including a ten-year stint with the State Government and as such, I am well connected with the industry and the local government sector across South Australia.





11 Railway Terrace (PO Box 58)
Karoonda SA 5307
08 8578 1004
council@dckem.sa.gov.au
www.dckem.sa.gov.au
ABN: 36 186 937 991

I am currently a board member of the Tourism Industry Council of South Australia and Netball South Australia, which strengthens my professional networks within the metropolitan space.

I have a strong connection to the land and the ag sector as a fourth-generation farmer based at Wynarka, partnering my husband Troy in a dryland farming venture.

I feel one of the greatest opportunities for the Local Government sector is to collaborate and learn from other councils. We have the ability to collectively advocate on issues that affect us all and I

believe that we can do better in this space. This is the type of environment I am keen to foster should I be elected.

On a personal note, I am a netball tragic (who still plays!), keen kayaker, lover of good food, wine (and my own jokes) and I'm currently searching for the manual on raising two spirited, pre-teen daughters.

I am outcome driven and like to see tangible results. I believe I can bring people together, identify and capitalise on their strengths and deliver great outcomes. These skills position me well to lead the sector over the next two years.

I look forward to your support.

Kind Regards

Mayor Caroline Phillips





Dear Mayor & Councillors,

I feel both honoured and humbled to be nominated for the position as South Australian Local Government Association - President to be decided at the forthcoming election in October 2022 and write seeking your Council's support for my nomination.

My involvement and career in Local Government spans over a 25-year period and includes being CEO (General Manager) of Central Darling Shire Council, in Western NSW and being the largest Shire in the State, living in Wilcannia for 8 years. In that time the Council came from being almost dysfunctional to winning the A.R Bluett Award for Excellence in Local Government. I was also a recipient of a NSW Premiers Award for my contribution to Regional NSW. My working life has included 6 years in the RAAF and owning a number of small businesses.

My wife and I returned to our home town Kapunda in 2008 and I was privileged to be elected Mayor of Light Regional Council in 2010. It has been a remarkable journey leading this Council to become one of the most progressive in the state. I am most grateful for the support and encouragement I have received from Council members and staff, and our State and Federal MPs.

Local Government will continue to need a strong presence as part of a 'collective' government into the future including Local Government Reforms and Planning legislation. Should I be elected, I would endeavour to lead the organisation in an inclusive and straight forward manner, always ensuring the members are listened to and action taken when required. I would also continue to build on the excellent working relationship with staff that currently exists.

My values include respect, honesty, integrity, building strong relationships and taking an inclusive approach and empowering those around me. Most importantly I care and would demonstrate a firm commitment to addressing the many challenges faced by both the business sector and our communities.

I know in my heart I have always acted with honesty and integrity and a sense of fairness, I enjoy communicating and engaging with members of the community at all levels and others who I meet with an open mind and friendly manner in order to make things happen. In doing so I have enjoyed incredible support throughout my time in Local Government and beyond.

Thank you for taking time to read this letter and I do hope you will consider my application as worthy of your support and please feel free to contact me should you have any questions on Mobile 0488 025 862.

Kind regards



Bill O'Brien JP
Mayor
12 September 2022



Email light@light.sa.gov.au
Post PO Box 72, Kapunda SA 5373
Phone 08 8525 3200
Web light.sa.gov.au

Principal Office
93 Main Street
Kapunda SA 5373

**Kapunda Public Library
and Visitor Information Centre**
51-53 Main Street
Kapunda SA 5373

**Freeling Public Library
and Customer Service Centre**
7 Hanson Street
Freeling SA 5372

**Planning and
Development Services**
12 Hanson Street
Freeling SA 5372

Operations Centre
11 Stephenson Street
Freeling SA 5372

21.5 ELECTION OF 2022 LGFA REPRESENTATIVE MEMBERS – REPORT NO. AR22/61125

Committee:	Council
Meeting Date:	20 September 2022
Report No.:	AR22/61125
CM9 Reference:	AF21/496
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Summary:	This report is presented for Council to determine its preferred candidates for the position of Local Government Finance Authority Representative Member for the purpose of casting a vote in an election process.
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR22/61125 titled 'Election of 2022 LGFA Representative Members' as presented on 20 September 2022 be noted.
2. That Council endorse the following two candidates for the 2022 election of Local Government Finance Authority Representative Members:
 - Ms Annette Martin
 - Mr Michael Sedgmanand the ballot paper be marked, sealed and returned to the Returning Officer accordingly.



TYPE OF REPORT

Corporate

BACKGROUND

In July 2022 nominations were called by Local Government Association Circular for two positions of Local Government Finance Authority Representative Members.

Six nominations were received necessitating an election process to be conducted. Following the close of nominations one candidate withdrew from the election.

The currently retiring members, who are eligible for re-election, are Ms Annette Martin (City of Charles Sturt) and Mr Michael Sedgman (The Rural City of Murray Bridge).

PROPOSAL

Council has received correspondence from the Local Government Finance Authority advising of the election process for two (2) Representative Members.

The five remaining candidates, in no particular order, are:

- Dr Nigel Graves, Manager Finance - Light Regional Council;
- Mr Mark Gray, Manager Finance - City of Port Adelaide Enfield;
- Ms Annette Martin, Manager Financial Services - City of Charles Sturt;
- Mr Michael Sedgman, Chief Executive Officer - Rural City of Murray Bridge; and
- Mr John Smedley, Deputy Mayor / Councillor - City of Holdfast Bay.

Candidate details for each of the five candidates can be found as **Attachment 1** for information.

The election process requires a resolution of Council to determine the candidates (being no more than two) it wishes to elect, after which the ballot paper will be marked, sealed and returned to the Returning Officer.

The completed ballot must be received in hardcopy by no later than 5:00pm on 14 October 2022.

LEGAL IMPLICATIONS

The election and voting process for Local Government Finance Authority representatives is in accordance with the Rules of the Authority and the *Local Government Finance Authority Act 1983*.

STRATEGIC PLAN

N/A

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A



RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

Upon determination of preferred candidates, by resolution, the ballot paper will be marked, sealed and returned to the Returning Officer.

CONCLUSION AND RECOMMENDATION

Having considered the candidates for the position of Local Government Finance Authority Representative Members Council may now consider its preferred candidates for election.

Based upon the information provided and sectoral knowledge, it is recommended that Annette Martin and Michael Sedgman receive the Council's endorsement and vote.

ATTACHMENTS

1. List of Candidates - Local Government Finance Authority - Representative Members of the Board of Trustees [↓](#)



NAME: DR NIGEL GRAVES

OCCUPATION: Manager, Finance

QUALIFICATIONS & AWARDS: Fellow of GPA Australia
Graduate Member of the Australian Institute of Company Directors
PhD (thesis - local government financial performance)
Graduate Certificate in Business Research
Master of Business Administration (Adelaide)
Bachelor of Business (Accountancy)
Diploma in Local Government Administration (SA)

CURRENT POSITION IN LOCAL GOVERNMENT: Manager, Finance
Light Regional Council

PERIOD IN LOCAL GOVERNMENT 25 years

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:

Past:

Local Government Financial Management Group

CPA Public Sector Committee (NT)

Present:

UNE Centre for Local Government



NAME: MR MARK GRAY

OCCUPATION: Manager Finance

QUALIFICATIONS & AWARDS: Master of Business Administration (Adelaide)
Fellow Certified Practising Accountant
Bachelor of Business (Accounting)
Executive Leaders Program (LG Professionals)
PRINCE2 'Practitioner' (Project Management)

CURRENT POSITION IN LOCAL GOVERNMENT: Manager Finance
City of Port Adelaide Enfield

PERIOD IN LOCAL GOVERNMENT

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:

30+ years post-graduate finance and leadership experience across Commercial, Not-for-Profit and Local Government sectors.

Extensive experience managing Treasury functions of multi-national corporations, including \$1 Billion foreign currency hedge book, \$600 million debt facility and related interest rate exposures.



NAME: ANNETTE MARTIN

OCCUPATION: Manager Financial Services

QUALIFICATIONS & AWARDS: B.A. Accountancy
Certified Practising Accountant (CPA)
Graduate Australian Institute of Company Directors (GAICD)

CURRENT POSITION IN LOCAL GOVERNMENT: Manager Financial Services
City of Charles Sturt

PERIOD IN LOCAL GOVERNMENT 22 years

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:

Past:

SALGFMG

- President SALGFMG 2010-14
- Chair and/or active member of SALGFMG work groups for projects such as development of internal financial controls framework, asset management and financial management addressing updates of information papers, development of model financial statements and harmonisation of reporting, development of long term financial plans, and industry ratios for financial sustainability
- SALGFMG nominee on working parties for Grants Commission 2012-13 and CPA Guide Valuation and Depreciation for public and not for profit sectors under AASB accounting standards 2015-16

Local Government Inquiry Reference Group

- Member for the South Australian Productivity Commission

Present:

Local Government Finance Authority of South Australia

- Board member
- Audit and Risk Committee member

South Australian Local Government Financial Management Group (SALGFMG)

- Executive member
- Representative on a number of working parties
- Life member for services to industry

City of Unley

- Independent member of Audit and Risk Committee

Municipal Council of Roxby Downs

- Independent member of Audit and Risk Committee



NAME: MICHAEL SEDGMAN

OCCUPATION: Chief Executive Officer

QUALIFICATIONS & AWARDS: Master of Commercial Law (Deakin) 2007
Master of Business Administration (Deakin) 2005
Bachelor of Commerce (Deakin) 1987
Fellow of CPA Australia - FCPA
Fellow of Governance Institute of Australia - FGIA
Fellow of Chartered Institute of Secretaries - FCIS

CURRENT POSITION IN LOCAL GOVERNMENT: Chief Executive Officer
Rural City of Murray Bridge

PERIOD IN LOCAL GOVERNMENT 24 years

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:

Past:

- Local Government Association Workers Compensation Scheme 2011-15
- Local Government Association Mutual Liability Scheme 2009-2015
- Waste Care SA 2010-13
- South Australian Local Government Consulting 2006-09
- Yarra-Melbourne Regional Library Corporation 1999-2004 and 2006
- Inner Northern Group Training Limited 2000-04

Present:

Local Government Finance Authority of South Australia

- Board Trustee since January 2019
- Audit and Risk Committee member 2019-20
- Chair/Presiding Member since February 2021

Overview Committees of

- LGFA Asset Mutual Fund
- Income Protection Fund
2017 - Present
- Murray River Lakes & Coorong Tourism Alliance 2016 – Present



NAME: JOHN SMEDLEY

OCCUPATION: Finance Consultant
Previously 40+ years in Senior Business/Corporate Banking and Finance roles with various Bank and Non-Bank institutions, including NAB, Westpac, Citibank and Bendigo Adelaide Bank.

QUALIFICATIONS & AWARDS: Master of Business Administration (University of Adelaide)
Fellow of Financial Services Institute of Australasia
Diploma in Banking & Finance
Diploma in Mortgage & Finance Banking

CURRENT POSITION IN LOCAL GOVERNMENT: Deputy Mayor / Councillor
City of Holdfast Bay

PERIOD IN LOCAL GOVERNMENT 8 years

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT:

Present:

City of Holdfast Bay

- Audit Committee Chair
- Executive Committee member
- Glenelg Oval Consultative Committee
- Adelaide Airport Consultative Committee

Southern Regional Waste Resource Authority (SRWRA)

- Board member



21.6 FREEDOM OF INFORMATION - UPDATE – REPORT NO. AR21/65251

Committee:	Council
Meeting Date:	20 September 2022
Report No.:	AR21/65251
CM9 Reference:	AF21/496
Author:	Elisa Solly, Property Support Officer
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Summary:	This report provides an update on Freedom of Information matters.
Strategic Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage
	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR21/65251 titled 'Freedom of Information - Update' as presented on 20 September 2022 be noted.



TYPE OF REPORT

Legislative

BACKGROUND

Council is an agency under the [Freedom of Information Act 1991](#) ('FOI Act'). Under the FOI Act an accredited Freedom of Information Officer (or the Chief Executive Officer) is responsible for determining applications made in accordance with the relevant provisions of the FOI Act. Council is also required to publish an Information Statement in accordance with the FOI Act. This is usually performed under delegation.

The purpose of this report is to provide an annual update on applications made under the FOI Act and the publication of an updated Information Statement.

PROPOSAL

An Information Statement is published on the Council website as required under section 9 of the FOI Act. This document is periodically reviewed, updated and published on the Council website under delegation, with reference to the published document included in the Annual Report.

In addition, Council reports statistical information annually on FOI Act applications received during the year and the status/outcome of those applications to State Records and in the Annual Report.

Freedom of Information application statistics for the 2021/2022 year were as follows:

Number of applications	4
Number of applications carried over from 2020/2021	0
Full access granted	2
Partial access granted	2
Access refused	0
Withdrawn	0
Fees not paid	0
Documents otherwise available	0
Incomplete (at 30 June 2022)	0
Applications for internal review	0
Decision confirmed	0

There were no applications in the 2021/2022 financial year that went to external review by the SA Ombudsman.

Enquiries relating to accessing documents or information under the FOI Act that do not result in a formal application being received are not included in the abovementioned statistics.

LEGAL IMPLICATIONS

Council has an obligation as a local government agency to comply with the requirements of the FOI Act which operates alongside the State Records Act and other Acts Council administers.



STRATEGIC PLAN

N/A

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

There are nominal financial resource implications associated with the general administration of the FOI Act, noting however that the workload impact on the Accredited Freedom of Information Officer and support staff are not insignificant when a large or complex request is received, to the detriment of other value adding activities, and which generally result in little or no fee payable by the applicant.

Administration of the FOI Act is a statutory requirement and such resource implications are unavoidable, but should be noted for accountability and transparency purposes.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

Risks associated with the administration of the FOI Act include non-compliance or external review of determinations made in the administration of applications, generally by the SA Ombudsman or in an extreme case, the courts.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

The Information Statement required to be published under the FOI Act will be published on the Council website with a reference to the publication in the Annual Report.

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

In conclusion, this report is to present 2021/2022 application statistics under the Freedom of Information Act 1991, and notification that an updated Information Statement is to be published on the Council website and referenced in the 2021/2022 Annual Report.

ATTACHMENTS

Nil



21.7 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE – REPORT NO. AR22/64190

Meeting: Council
CM9 Reference: AF21/496
Author: Barbara Cernovskis, General Manager City Infrastructure
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/64190 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 20 September 2022 be noted.

BACKGROUND

Council, at its meeting held on 16 August 2022, resolved (in part):

- “3. *That the General Manager City Infrastructure provides a verbal report in open Council on the Wulanda Recreation and Convention Centre construction progress each month.*”

The General Manager City Infrastructure, Barbara Cernovskis, to provide a verbal update report on the monthly progress of the Wulanda Recreation and Convention Centre.

ATTACHMENTS

Nil



22 MOTIONS WITH NOTICE

22.1 NOTICE OF MOTION - DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT (DIT) HIGHWAYS

Meeting: Council
CM9 Reference: AF21/496
Member: Paul Jenner, Councillor

I, Councillor Paul Jenner, give notice that at the next Ordinary Meeting of Council to be held on 20 September 2022, I intend to move the following motion:

MOTION

1. That Council Report No. AR22/62436 titled 'Notice of Motion - Department of Infrastructure and Transport (DIT) Highways' as presented on 20 September 2022 be noted.
2. That Council writes to the Minister for Infrastructure and Transport, Mr Tom Koutsantonis MP with a copy to Mr Troy Bell MP and Mr Nick McBride MP, seeking clarification:
 - (a) as to the future works and outcome required to improve all highways that were discussed at the Regional Transport meeting in 2021, which included Fulton Hogan, and
 - (b) as to why the improvement work for the roundabout at Wehl Street North and Jubilee Highway West has stopped and when it will continue.

RATIONALE

There was a meeting with previous Liberal Minister of transport, councils and politicians some months ago to come up with solutions in relation to improvements to all DIT assets. Nothing has happened and the government has changed.

I request Council writes to the Minister for Infrastructure and Transport, Mr Tom Koutsantonis with a copy to Mr Troy Bell MP and Mr Nick McBride MP seeking clarification as to timeline association with the future works and improvements for DIT highways.

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil



23 URGENT MOTIONS WITHOUT NOTICE

24 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



25 NEW CONFIDENTIAL ITEMS

25.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #21 - AS AT 06/09/2022 – REPORT NO. AR22/61993

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.1 AR22/61993 Project Control Group (PCG) Progress Report #21 - As at 06/09/2022.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value project delivery on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.1 AR22/61993 Project Control Group (PCG) Progress Report #21 - As at 06/09/2022 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (h) be kept confidential and not available for public inspection until 12 months after completion of the project.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

26 MEETING CLOSE



COMMITTEE MINUTES

AND

REPORTS / ATTACHMENTS

**MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 16 AUGUST 2022 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner

OFFICERS IN ATTENDANCE:	Chief Executive Officer General Manager City Infrastructure General Manager Corporate and Regulatory Services General Manager City and Community Growth Manager Governance and Property Manager Financial Services Media and Communications Coordinator Communications Officer Team Leader Revenue Manager Economy, Strategy and Engagement Tourism Officer Executive Administrator	- Mrs S Philpott - Ms B Cernovskis - Mr D Barber - Mr T Coote - Mr M McCarthy - Mrs J Scoggins - Mr J McDonald - Ms M Brookes - Ms J Scheidl - Ms B Shearing - Ms A Stevens - Ms T Chant
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1 ACKNOWLEDGEMENT OF COUNTRY

Mr Tim Brennan to conduct Welcome of Country at 6:00 pm

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

RESOLUTION 2022/105

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

That the apology(ies) from Cr Ben Hood and Cr Frank Morello be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2022/106

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

That the minutes of the Ordinary Council meeting held on 19 July 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - AUGUST 2022

- Meeting with CEO and GM City and Community Growth with Mr Tim Whetstone MP, Shadow Minister Police and Community Safety and Mr Troy Bell MP, Member for Mount Gambier
- Audit and Risk Committee Workshop and Meeting
- Elected Member Briefing – Update: CEO RDALC and EO LGLGA
- Housing for All Forum at Mount Gambier and Community RSL
- Meeting with CEO, Hon Nicola Centofanti MLC and Hon Laura Curran MLC
- Library Strategic Planning – Community Engagement Workshop
- Meeting with CEO and representatives from LCLHN
- Fortnightly LCLGA Mayors Meeting – Virtual
- Opening of Thumb Print Exhibition – Riddoch Arts and Cultural Centre
- 105th Annual Formal Mount Gambier Community RSL Luncheon
- With CEO, Meeting with Hon Geoff Brock MP, Minister for Local Government
- Recognition of World Scout Day
- With CEO, Meeting with Mr Troy Bell MP, Member for Mount Gambier
- User Group Wulanda Meeting
- With CEO and GM City and Community Growth, virtual meeting with Allan Sommerville – Qantas
- Pride in Your Stride Walk 2022 – Homelessness Week
- Meetings facilitated by LCLGA with CEO and Mayor from Naracoorte Lucindale Council and Glenelg Shire Council
- Illuminate Adelaide – Official Opening of Digital Garden
- Elected Member Briefing – Hardwaste / Waste Service Charge
- Elected Member Briefing – Confidential re Wulanda
- Uni SA Leaders in Industry Luncheon
- Meeting with Mr Troy Bell MP, Member for Mount Gambier, re Illuminate
- With CEO and GM City and Community Growth, meeting with Mr John Gardner MP, Deputy Leader of the Opposition
- With CEO, attendance at LCLGA Board Meeting at Kingston District Council
- Panel Member – Judging: Skylight Mental Health Art and Craft and Youth and General Photography Exhibition
- Official Opening of Skylight Mental Health Art and Craft and Youth and General Photography Exhibition with Ms Trudi Shelton – Founder of Four Reason's Why

RESOLUTION 2022/107

Moved: Mayor Lynette Martin

Seconded: Cr Christian Greco

That the Mayoral report made on 16 August 2022 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

RESOLUTION 2022/108

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

That the reports made by Councillors on 16 August 2022 be received.

CARRIED

Cr Max Bruins	Riddoch Gallery Opening – Ann Newmarch exhibition, Mount Gambier Classic and Vintage Motorcycle Show, Pioneers match against Ballarat Miners, Illuminate Adelaide light show, Art market.
Cr Paul Jenner	Skylight mental health BBQ – Mount Gambier Library, NAIDOC Week flag raising ceremony, Disability Inclusion Collective Mount Gambier Showcase, G.I.E Strategic planning day, Mount Gambier Classic and Vintage Motorcycle Club display at City Hall, Wulanda Recreation and Convention Centre CRG meeting, Illuminate Adelaide at Cave Gardens, City Hall and outside of Library market, walk through at Wulanda Recreation and Convention Centre.
Cr Sonya Meziniec	Attended meeting of Riddoch Arts and Cultural Trust, opening of Thumbprint exhibition, Wulanda Community Reference Group meeting, Mount and Districts Health Advisory Council meeting.
Cr Christian Greco	Mount Gambier Eisteddfod.

7 QUESTIONS WITH NOTICE

7.1 NO STOPPING ZONE ON BAY ROAD FOR USERS OF THE RAIL TRAIL

REPORT RECOMMENDATION

That the response to the question regarding a No Stopping Zone on Bay Road for users of the Rail Trail raised by Councillor Sonya Meziniec be received and noted.

8 QUESTIONS WITHOUT NOTICE

Question:

What is the update and progress on the hardwaste collection?

Answer:

Taken on notice for September Council meeting.

MOTION**RESOLUTION 2022/109**

Moved: Cr Paul Jenner
Seconded: Cr Christian Greco

That the question 'What is the update and progress on the hardwaste collection?' and the answer be recorded in the minutes.

CARRIED**9 PETITIONS**

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS**12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 19/07/2022 TO 11/08/2022****RESOLUTION 2022/110**

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR21/71020 titled 'Elected Member Information/Briefing Sessions from 19/07/2022 to 11/08/2022' as presented on 16 August 2022 be noted.

CARRIED**13 ELECTED MEMBERS TRAINING AND DEVELOPMENT**

Nil

14 COUNCIL ACTION ITEMS**14.1 COUNCIL ACTION ITEMS - 19/07/2022****RESOLUTION 2022/111**

Moved: Cr Max Bruins
Seconded: Cr Christian Greco

1. That Council Report No. AR21/71039 titled 'Council Action Items - 19/07/2022' as presented on 16 August 2022 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess.

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess.

17 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

18.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 25 JULY 2022

RESOLUTION 2022/112

Moved: Cr Sonya Mezinac

Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 25 July 2022 as attached be noted.

CARRIED

18.2 CORRESPONDENCE RECEIVED – REPORT NO. AR22/49236

RESOLUTION 2022/113

Moved: Cr Sonya Mezinac

Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/49236 titled 'Correspondence Received' as presented on 25 July 2022 be noted.

CARRIED

18.3 RISK REPORT - JULY 2022 – REPORT NO. AR22/33762

RESOLUTION 2022/114

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR22/33762 titled 'Risk Report - July 2022' as presented on 25 July 2022 be noted.

CARRIED**18.4 WORK HEALTH, SAFETY AND WELLBEING - JULY 2022 – REPORT NO. AR22/33764****RESOLUTION 2022/115**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/33764 titled 'Work Health, Safety and Wellbeing - July 2022' as presented on 25 July 2022 be noted.

CARRIED**18.5 INTERNAL CONTROLS POLICY – REPORT NO. AR22/46763****RESOLUTION 2022/116**

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/46763 titled 'Internal Controls Policy' as presented on 25 July 2022 be noted.
2. That the Internal Controls Policy as attached to Report No. AR22/46763 having been reviewed by the Audit and Risk Committee on 25 July 2022 be adopted with minor editorial changes.

CARRIED**18.6 ASSET ACCOUNTING POLICY REVIEW – REPORT NO. AR22/49260****RESOLUTION 2022/117**

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/49260 titled 'Asset Accounting Policy Review' as presented on 25 July 2022 be noted.
2. That the Asset Accounting Policy as attached to Report No. AR22/49260 having been reviewed by the Audit and Risk Committee on 25 July 2022 be adopted.

CARRIED**18.7 EXTERNAL AUDIT ATTENDANCE – REPORT NO. AR22/46762**

RESOLUTION 2022/118

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/46762 titled 'External Audit Attendance' as presented on 25 July 2022 be noted.

CARRIED**18.8 EXTERNAL AUDIT MANAGEMENT REPORT – REPORT NO. AR22/46765****RESOLUTION 2022/119**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/46765 titled 'External Audit Management Report' as presented on 25 July 2022 be noted.

CARRIED**19 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

20 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

21 COUNCIL REPORTS**21.1 STRATEGIC PLAN MIDWAY REVIEW****RESOLUTION 2022/120**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/54389 titled 'Strategic Plan Midway Review' as presented on 16 August 2022 be noted.

CARRIED**21.2 COMMUNITY LAND MANAGEMENT PLAN - BLUE LAKE/WARWAR****RESOLUTION 2022/121**

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR22/52140 titled 'Community Land Management Plan - Blue Lake/Warwar' as presented on 16 August 2022 be noted.

CARRIED**21.3 CARRY FORWARD 2021/22 CAPITAL WORK IN PROGRESS AND GRANTS/SPONSORSHIPS BUDGETS****RESOLUTION 2022/122**

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Council Report No. AR22/46766 titled 'Carry Forward 2021/22 Capital Work In Progress and Grants/Sponsorships Budgets' as presented on 16 August 2022 be noted.
2. That Council approves the proposed total carry forwards of \$97.8k for grants/sponsorships and \$2.4m for capital works as at 30 June 2022 and revised net budget deficit (net borrowing) of \$11.2m.
3. That Council adopts the revised capital expenditure budget for the year ending 30 June 2023.

CARRIED**21.4 REGIONAL ACTIVATORS ALLIANCE****RESOLUTION 2022/123**

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That Council Report No. AR22/43591 titled 'Regional Activators Alliance' as presented on 16 August 2022 be noted.
2. That the City of Mount Gambier join the Regional Australia Institute Regional Activators Alliance.

CARRIED**21.5 NOMINATIONS FOR LGA PRESIDENT****RESOLUTION 2022/124**

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/54348 titled 'Nominations for LGA President' as presented on 16 August 2022 be noted.
2. Council supports the nomination of Mayor Erika Vickery OAM as the LGA President for the 2022-2024 term.

CARRIED**21.6 CARPARK PROPOSAL - BLUE LAKE GOLF CLUB****RESOLUTION 2022/125**

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR22/53879 titled 'Carpark Proposal - Blue Lake Golf Club' as presented on 16 August 2022 be noted.
2. A copy of the report be provided to the Blue Lake Golf Club.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 5 minutes:

Purpose of the Suspension: Discussion on item 21.7

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 06:52 pm

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 06:58 pm

21.7 LOCAL GOVERNMENT ELECTION SIGNS - COUNCIL DETERMINATION

RESOLUTION 2022/126

Moved: Cr Paul Jenner
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/53892 titled 'Local Government Election Signs - Council Determination' as presented on 16 August 2022 be noted.
2. The Approval to display local government election signs, set out in Attachment 1 to this Report No. as presented on 16 August 2022 is endorsed.
3. Council write to the LGA to request a State review before the next election.

CARRIED

21.8 POLICY REVIEW - REVOCATION OF S175 - SAFE ENVIRONMENT

RESOLUTION 2022/127

Moved: Cr Sonya Meziniec
Seconded: Cr Paul Jenner

1. That Council Report No. AR22/54668 titled 'Policy Review - Revocation of S175 - Safe Environment' as presented on 16 August 2022 be noted.
2. That Council Policy S175 - Safe Environment as attached to Report No. AR21/18417 be revoked.

CARRIED

22 MOTIONS WITH NOTICE

22.1 NOTICE OF MOTION - REPORTS AND PLANS

RESOLUTION 2022/128

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/41065 titled 'Notice of Motion - Reports and Plans' as presented on 16 August 2022 be noted.
2. That a Council Workshop be organised to review outstanding plans, reports and policies in readiness for the incoming Council.

CARRIED

22.2 NOTICE OF MOTION - CREATIVE ARTS FUND 2021/2022

RESOLUTION 2022/129

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR22/54975 titled 'Notice of Motion - Creative Arts Fund 2021/2022' as presented on 16 August 2022 be noted.
2. The Portrait Project be allocated an additional \$500 from the 2021/2022 Creative Arts Fund for additional unexpected costs due to unforeseen environmental damages to the works.
3. That funds not allocated in the Creative Arts Fund 2021/2022 be redirected to the 2022/2023 Creative Arts Fund.

CARRIED

22.3 NOTICE OF MOTION - WULANDA RECREATION AND CONVENTION CENTRE

RESOLUTION 2022/130

Moved: Cr Paul Jenner

Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/54982 titled 'Notice of Motion - Wulanda Recreation and Convention Centre' as presented on 16 August 2022 be noted.
2. That the administration provides a report to Council on the confidential items for the Wulanda Recreation and Convention Centre and when the information will be released to the public.
3. That the General Manager City Infrastructure provides a verbal report in open Council on the Wulanda Recreation and Convention Centre construction progress each month.

CARRIED

23 MOTIONS WITHOUT NOTICE

Nil

24 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

25 NEW CONFIDENTIAL ITEMS**25.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR22/50187****RESOLUTION 2022/131**

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.1 AR22/50187 Sale of Land for Non-Payment of Rates.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED**RESOLUTION 2022/132**

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.1 AR22/50187 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

25.2 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR22/50219**RESOLUTION 2022/133**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.2 AR22/50219 Sale of Land for Non-Payment of Rates.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

RESOLUTION 2022/134

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.2 AR22/50219 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

25.3 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR22/50246**RESOLUTION 2022/135**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.3 AR22/50246 Sale of Land for Non-Payment of Rates.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED**MOTION**

Moved: Cr Max Bruins

Seconded: Cr Christian Greco

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.3 AR22/50246 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

25.4 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR22/50270**RESOLUTION 2022/136**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinac

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.4 AR22/50270 Sale of Land for Non-Payment of Rates.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CARRIED

MOTION

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.4 AR22/50270 Sale of Land for Non-Payment of Rates and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

25.5 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #20 - AS AT 02/08/2022 - REPORT NO. AR22/52001

RESOLUTION 2022/137

Moved: Cr Paul Jenner

Seconded: Cr Christian Greco

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 25.5 AR22/52001 Project Control Group (PCG) Progress Report #20 - As at 02/08/2022.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council

- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
- legal advice

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Council's position in obtaining best value project delivery on behalf of the community.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures for 30 minutes:

Purpose of the Suspension: To discuss item 25.5

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 07:55 pm

Cr Amoroso left the meeting at 8:32 pm and did not return.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 08:34 pm

RESOLUTION 2022/138

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.5 AR22/52001 Project Control Group (PCG) Progress Report #20 - As at 02/08/2022 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (h) be kept confidential and not available for public inspection until 12 months after completion of the project.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

26 MEETING CLOSE

The Meeting closed at 8:40 PM.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 September 2022.

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PRESIDING MEMBER

**MINUTES OF CITY OF MOUNT GAMBIER
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 23 AUGUST 2022 AT 5.30 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	General Manager City and Community Growth	- Mr T Coote
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Miss M Brookes
	Executive Administrator	- Mrs A Pasquazzi

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

RESOLUTION 2022/139

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

That the apology from Cr Kate Amoroso be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 NEW CONFIDENTIAL ITEMS

4.1 WULANDA RECREATION AND CONVENTION CENTRE - OPERATIONAL MATTERS – REPORT NO. AR22/56796

RESOLUTION 2022/140

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors, Consultant C Foreman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, J Scoggins, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR22/56796 Wulanda Recreation and Convention Centre - Operational Matters.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be received for consideration with this agenda item has been provided on a confidential basis creating a duty of trust, and further, is information of a commercial nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the Council or confer advantage on a third party, and would reveal the commercial information of a third party. The public interest in the release of this information is outweighed by the objective of protecting Council from litigation for breach of confidence and obtaining best value in the negotiation and delivery of contractual services on behalf of the community.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss item 4.1 - Wulanda Recreation and Convention Centre - Operational Matters.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 5:32 pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 6:07 pm.

RESOLUTION 2022/141

Moved: Cr Ben Hood

Seconded: Cr Sonya Mezinac

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR22/56796 Wulanda Recreation and Convention Centre - Operational Matters and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until the provider of the information has released Council from its duty of confidence, with the relevant fees and charges and associated resolution to be released immediately upon notification to the operator.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*

CARRIED

Cr Ben Hood left the meeting at 6:11 pm

4.2 WULANDA RECREATION AND CONVENTION CENTRE - CONTRACTUAL AND FINANCIAL MATTERS – REPORT NO. AR22/56817

RESOLUTION 2022/142

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors, Consultant C Foreman and Council Officers S Philpott, B Cernovskis, D Barber, T Coote, J Scoggins, J McDonald, M Brookes and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.2 AR22/56817 Wulanda Recreation and Convention Centre - Contractual and Financial Matters.

The Council is satisfied that, pursuant to section 90(3) (b) and (d) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be received for consideration with this item relates to commercial contracts between Council and contractors for the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council and third parties and is considered on balance to be contrary to the public interest as it could reasonably be expected to prejudice the Councils position in obtaining best value project delivery on behalf of the community.

CARRIED

Cr Ben Hood returned to the meeting at 6:12 pm

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss item 4.2 - Wulanda Recreation and Convention Centre - Contractual and Financial Matters.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 6:13 pm.

Cr Ben Hood left the meeting at 6:22 pm

Cr Ben Hood returned to the meeting at 6:22 pm

Cr Max Bruins left the meeting at 6:43 pm

Cr Max Bruins returned to the meeting at 6:44 pm

Cr Christian Greco left the meeting at 6:54 pm

Cr Christian Greco returned to the meeting at 6:55 pm

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7:00 pm

RESOLUTION 2022/143

Moved: Cr Sonya Mezinec

Seconded: Cr Ben Hood

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.2 AR22/56817 Wulanda Recreation and Convention Centre - Contractual and Financial Matters and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (d) be kept confidential and not available for public inspection until further order of Council, or determination by the Chief Executive Officer to release, in part or full, with the contract price to be released upon execution of relevant documents.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

5 MEETING CLOSE

The Meeting closed at 7:14 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 20 September 2022.

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PRESIDING MEMBER